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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)

DATE AND TIME: TUESDAY, SEPTEMBER 30, 1997
 9:30 A.M.

PLACE: BOARD HEARING ROOM
 8800 CAL CENTER DRIVE SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
 CERTIFICATE NO. 7152

BRS FILE NO.: 41672

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APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN (NOT PRESENT) MR.
WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MR. KEITH SMITH, DEPUTY EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, CHIEF LEGAL COUNSEL MS. MARLENE KELLY, BOARD
SECRETARY

MS. PATTI BERTRAM, ADMINISTRATIVE ASSISTANT

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COSTA COUNTY.

ITEM 11: CONSIDERATION OF STAFF
RECOMMENDATION TO CORRECT THE 1990 BASE-YEAR GENERATION
TONNAGE FOR THE PREVIOUSLY APPROVED

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ITEM 14: CONSIDERATION OF STAFF
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ITEM 15: CONSIDERATION OF STAFF
RECOMMENDATION ON THE ADEQUACY OF THE PREVIOUSLY CONDITIONALLY APPROVED SOURCE REDUCTION AND RECYCLING ELEMENT AND RECYCLING ELEMENT FOR THE CITY OF ROLLING HILLS, LOS ANGELES COUNTY.

ITEM 16: CONSIDERATION OF STAFF
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ITEM 17: CONSIDERATION OF STAFF
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ITEM 18: CONSIDERATION OF STAFF
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ITEM 19: CONSIDERATION OF STAFF
RECOMMENDATION ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF SOLEDAD, MONTEREY COUNTY.

ITEM 20: CONSIDERATION OF STAFF
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ITEM 22: CONSIDERATION OF STAFF
RECOMMENDATION ON THE ADEQUACY OF THE TEHAMA
MULTIJURISDICTIONAL SOURCE REDUCTION AND RECYCLING
ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND

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NONDISPOSAL FACILITY ELEMENT; AND FOR THE PETITION FOR TIME EXTENSION FOR THE CITIES OF CORNING, RED BLUFF, TEHAMA, AND UNINCORPORATED TEHAMA COUNTY.

ITEM 24: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE AUBURN PLACER DISPOSAL TRANSFER STATION, PLACER COUNTY.

ITEM 25: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR MILLIKEN SANITARY LANDFILL, SAN BERNARDINO COUNTY.

ITEM 26: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR FORT IRWIN SANITARY LANDFILL, SAN BERNARDINO COUNTY

ITEM 27: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR COLTON SANITARY LANDFILL, SAN BERNARDINO COUNTY

ITEM 28: CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR BARSTOW SANITARY LANDFILL, SAN BERNARDINO COUNTY.

ITEM 29: CONSIDERATION OF SITES FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM.

ITEM 30: CONSIDERATION OF NEW SITES FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM.

ITEM 33: CONSIDERATION OF APPROVAL OF RECYCLING MARKET DEVELOPMENT ZONE PROGRAM LOAN APPLICATIONS FOR FALL QUARTER 1997:

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B: MARPLAST INC.

C: MARSRING CORPORATION D-B-A LOS ANGELES FIBER

D: O. E. CLARK PAPER BOX COMPANY; O. E. CLARK PRINTED SPECIALTIES COMPANY; CENTRAL CITY BOX AND PAPER COMPANY.

ITEM 34: CONSIDERATION OF THE REALLOCATION OF \$200,000 FROM THE FY 1997/98 CALIFORNIA TIRE RECYCLING FUND TO AUGMENT THE WASTE TIRE LEVEE REPAIR DEMONSTRATION PROJECT.

ITEM 4: CONSIDERATION OF CONTRACT CONCEPTS FOR

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MARKETING THE RECYCLING MARKET DEVELOPMENT ZONES FOR FY
'97/'98

A: RMDZ MANUFACTURING BUSINESS INVESTMENT FOR
RESUMES (PULLED)

STAFF PRESENTATION

PUBLIC TESTIMONY

COMMITTEE DISCUSSION

33 ACTION

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ITEM 5: CONSIDERATION OF CONTRACT CONCEPT AND APPROVAL
TO AWARD A CONTRACT TO BOUTIN, DENTINO, GIBSON & DI
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ITEM 23: (PULLED) CONSIDERATION OF THE COMPLETENESS
DETERMINATION FOR THE COUNTYWIDE SITING ELEMENT AND
SUMMARY PLAN FOR VENTURA COUNTY.

ITEM 31: CONSIDERATION OF ADOPTION OF A MITIGATED
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LANDFILL, SAN LUIS OBISPO COUNTY

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B: CARNOT	
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1 SACRAMENTO, CALIFORNIA

2 TUESDAY, SEPTEMBER 30, 1997

3 9:30 A.M.

4 CHAIRMAN PENNINGTON: GOOD MORNING AND
5 WELCOME TO THE SEPTEMBER MEETING OF THE CALIFORNIA
6 INTEGRATED WASTE MANAGEMENT BOARD. WOULD THE
7 SECRETARY CALL THE ROLL, PLEASE.

8 THE SECRETARY: BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: HERE.

10 THE SECRETARY: FRAZEE. ABSENT. GOTCH.

11 BOARD MEMBER GOTCH: HERE.

12 THE SECRETARY: JONES.

13 BOARD MEMBER JONES: HERE.

14 THE SECRETARY: RELIS.

15 BOARD MEMBER RELIS: HERE.

16 THE SECRETARY: CHAIRMAN PENNINGTON.

17 CHAIRMAN PENNINGTON: HERE. THERE'S A
18 QUORUM PRESENT.

19 DO ANY BOARD MEMBERS HAVE ANY EX
20 PARTES? I'LL START WITH MY RIGHT WITH MR. CHESBRO.

21 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
22 HAVE, REGARDING ITEMS ON THE AGENDA, A LETTER FROM
23 JIM COOL, THE CITY OF LONG BEACH, ADDRESSED TO ME
24 ON THE AMERICA RECYCLES DAY. IT'S ITEM 6. AND A
25 LETTER FROM KAY MARTIN, COUNTY OF VENTURA,

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1 REGARDING ITEM 23, WHICH I UNDERSTAND HAS BEEN
2 PULLED. THEN I HAVE ONE, TWO, THREE, FOUR, FIVE
3 OTHER LETTERS THAT I'LL JUST SUBMIT TO THE BOARD'S
4 ASSISTANT TO ENTER INTO THE RECORD AS EX PARTES.

5 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

6 BOARD MEMBER CHESBRO: THEY'RE NOT
7 REGARDING ITEMS THAT ARE ON TODAY'S AGENDA.

8 CHAIRMAN PENNINGTON: MRS. GOTCH.

9 BOARD MEMBER GOTCH: I HAVE ONE OTHER
10 LETTER. WE WERE ALL CC.'D ON A BUNCH OF LETTERS
11 REGARDING AMERICA RECYCLES DAY. THIS ONE IS FROM
12 WILLIAM HEENAN, JR. OF STEEL RECYCLING INSTITUTE
13 REGARDING AMERICA RECYCLES DAY, AGENDA ITEM NO. 6.

14 CHAIRMAN PENNINGTON: THANK YOU. MR.
15 RELIS.

16 BOARD MEMBER RELIS: THE HEENAN LETTER,
17 IBID, I WAS CC.'D OR IT WAS TO ME, SO JUST FOR THE
18 RECORD, WE'LL ACKNOWLEDGE THAT. EVERYTHING ELSE IS
19 IN ORDER.

20 CHAIRMAN PENNINGTON: MR. JONES.

21 BOARD MEMBER JONES: AND ALL OF THE CC.'S,
22 WE DIDN'T GET CC.'S, BUT COPIES OF ALL THE LETTERS
23 ADDRESSED TO YOU THAT LOOK LIKE THEY WERE IN THE EX
24 PARTE FILE. EVERYTHING ELSE UP-TO-DATE.

25 CHAIRMAN PENNINGTON: OKAY. I RECEIVED

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1 LETTERS FROM THE STEEL RECYCLING INSTITUTE, SWANA,
2 THE AMERICAN OCEANS CAMPAIGN, THE STATEWIDE
3 COORDINATING OFFICE OF THE AMERICA RECYCLING DAY,
4 THE RECYCLING PAPER COALITION, USA WASTE OF SAN
5 JOSE, AND THE CITIES OF LONG BEACH, OXNARD,
6 THOUSAND OAKS, AND SAN DIEGO, AND I HAD A BRIEF
7 DISCUSSION WITH PAUL YODER.

8 OKAY. MOVING ON, THERE'S SPEAKER
9 REQUEST FORMS IN THE BACK OF THE ROOM AT THE TABLE
10 THERE. IF ANYBODY WISHES TO ADDRESS ANY ITEM ON
11 THE AGENDA, PLEASE FILL ONE OUT AND HAND IT TO MS.
12 KELLY, OUR BOARD SECRETARY, WHO WILL MAKE SURE THAT
13 I GET IT AND CALL ON YOU.

14 I HAVE ONE ANNOUNCEMENT ABOUT TODAY'S
15 AGENDA. ITEMS 23, 36, AND 40 HAVE BEEN PULLED;
16 HOWEVER, 36, WE ARE GOING TO HAVE A DISCUSSION
17 PERIOD ON IT WHILE WE'LL TAKE NO ACTION. ONE BOARD
18 MEMBER HAS SOME ITEMS THAT SHE'D LIKE TO DISCUSS
19 ABOUT IT, SO WE WILL DISCUSS THE ITEM BUT TAKE NO
20 ACTION.

21 WITH THAT, WE'LL MOVE TO COMMITTEE
22 REPORTS. WE'LL START WITH LEGISLATION AND PUBLIC
23 EDUCATION COMMITTEE, MRS. JANET GOTCH.

24 BOARD MEMBER GOTCH: THANK YOU, MR.
CHAIR.

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25 THE LEGISLATION AND PUBLIC EDUCATION COMMITTEE MET
10

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1 ON SEPTEMBER 11TH AND RECEIVED AN UPDATE FROM OUR
2 LEGISLATION AND REGULATORY AFFAIRS DIVISION
3 REGARDING THE STATUS OF SOLID WASTE LEGISLATION.
4 MR. CHANDLER WILL ELABORATE MORE ON THIS ITEM IN
5 HIS DIRECTOR'S REPORT.

6 THE COMMITTEE ALSO HEARD AN UPDATE
7 FROM OUR PUBLIC EDUCATION DIVISION. STAFF
RECENTLY

8 COMPLETED THEIR ANNUAL PLANNING PROCESS WHEREBY
9 THEY EVALUATE THE EFFECTIVENESS OF THE PREVIOUS
10 YEAR'S PROGRAMS AND DEVELOP A WORK PLAN TO
ADDRESS

11 THE REQUESTS FOR WORKSHOPS, TEACHERS TRAININGS,
AND
12 CONFERENCE PRESENTATIONS THROUGHOUT THE SCHOOL
13 YEAR.

14 IN ADDITION, THE LPEC COMMITTEE
15 RECEIVED AN UPDATE FROM OUR PUBLIC AFFAIRS
16 DIVISION. THE 1996 ANNUAL REPORT HAS BEEN
PRINTED

17 AND IS BEING DISTRIBUTED TO RECYCLING
COORDINATORS,

18 ENVIRONMENTAL REPORTERS, AND KEY LEGISLATORS,

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AS

19 WELL AS OTHER INTERESTED PARTIES. THE REPORT
20 CONTAINS THE HIGHLIGHTS OF THE BOARD'S MANY
21 ACCOMPLISHMENTS FOR 1996 AND CAN BE VIEWED ON
THE
22 INTERNET AND THE BOARDNET.

23 I'D LIKE TO RECOGNIZE THE EFFORTS
OF

24 MR. THOMAS GONZALES FOR HIS OUTSTANDING DESIGN
WORK

25 AND PAIGE LETTINGTON FOR A GREAT JOB EDITING
AND

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1 FORMATTING THE DOCUMENTS.

2 THE BOARD ALSO CONCLUDED ANOTHER
3 SUCCESSFUL YEAR AT THE CALIFORNIA STATE FAIR.
4 BASED ON THE NUMBER OF PEOPLE WHO TOOK THE WASTE
5 AWARENESS QUIZ, IT'S ESTIMATED THAT OVER 20,000
6 PEOPLE RECEIVED WASTE DIVERSION INFORMATION AT THE
7 FAIR THIS YEAR.

8 FINALLY, THE COMMITTEE DISCUSSED THE
9 FIRST DRAFT OF OUR REQUESTED PUBLIC EDUCATION PLAN
10 AND COMMUNICATION PLAN. BOTH PLANS ARE AVAILABLE
11 FOR REVIEW AND WILL BE DISTRIBUTED FAIRLY SOON TO
12 INTERESTED PARTIES FOR THEIR COMMENTS. I'M ALSO
13 REQUESTING AN INTERNAL CROSS SECTION AD HOC
14 COMMITTEE CONVENED TO REVIEW AND COMMENT ON THE
15 PLAN. THE RESULTS OF THESE COMMENTS WILL BE
16 INCORPORATED INTO THE NEXT DRAFTS OF THESE REPORTS
17 AND WILL BE PRESENTED BEFORE THE NEXT LPEC IN
18 NOVEMBER. AND THAT CONCLUDES MY REPORT.

19 CHAIRMAN PENNINGTON: THANK YOU, MRS.
20 GOTCH. LOCAL ASSISTANCE AND PLANNING COMMITTEE,
21 WESLEY CHESBRO CHAIR.

22 BOARD MEMBER CHESBRO: GOOD MORNING, MR.
23 CHAIRMAN. THE LOCAL ASSISTANCE AND PLANNING

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24 COMMITTEE CONSIDERED 20 PLANNING DOCUMENTS,
25 REPRESENTING 21 JURISDICTIONS, AND ALL OF THOSE

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1 PLANS ARE ON THE CONSENT CALENDAR. THE ONLY ACTION
2 ITEM THAT WAS FORWARDED TO THE FULL BOARD WAS THE
3 CONSIDERATION OF THE COMPLETENESS DETERMINATION FOR
4 THE COUNTYWIDE SITING ELEMENT AND SUMMARY PLAN FOR
5 VENTURA COUNTY. IT HAD TO DO WITH THE ADEQUACY OR
6 LACK THEREOF OF THE CEQA PROCESS THAT THE COUNTY
7 HAS CARRIED OUT FOR THOSE DOCUMENTS.

8 THE ITEM WAS PULLED, HOWEVER, FROM
9 THIS MONTH'S BOARD AGENDA DUE TO VENTURA COUNTY'S
10 REQUEST, AND IT WILL BE HEARD AT NEXT MONTH'S BOARD
11 MEETING.

12 THE COMMITTEE ALSO HEARD UPDATES FROM
13 THE DIVERSION, PLANNING, AND LOCAL ASSISTANCE
14 DIVISION AS WELL AS THE WASTE PREVENTION ACTIVITIES
15 OF THE WASTE PREVENTION AND MARKET DEVELOPMENT
16 DIVISION.

17 COUPLE OF NOTES ON THESE UPDATES.
18 STAFF IS WORKING WITH THE DEPUTY EXECUTIVE OFFICER
19 OF THE SENATE RULES COMMITTEE ON SELECTING AN
20 APPROPRIATE COLLECTION CONTAINER FOR THE RECYCLING
21 PROGRAM THE SENATE WILL BE IMPLEMENTING SHORTLY.
22 AND IT'S NICE. THERE HAS BEEN A PROGRAM IN PLACE,
23 BUT MANY PEOPLE HAVE FELT THAT IT WAS LESS THAN

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24 ADEQUATE. SO IT WILL BE NICE TO HAVE THE SENATE

25 WORKING SETTING UP A PROGRAM THAT THE BOARD HAS

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1 HELPED THEM DESIGN.

2 I ALSO WANTED TO MENTION, JUST ON A
3 PERSONAL NOTE, REGARDING CONTAINERS, THAT I WAS IN
4 MENDOCINO COUNTY LAST WEEKEND, AND FREQUENTLY I'M
5 AT STATE FACILITIES AND THERE'S THAT OTHER
6 RECYCLING AGENCY'S NAME ON THE RECYCLING
7 CONTAINERS. IT WAS NICE TO SEE SOME RECYCLING
8 CONTAINERS AT MCCARRIKER STATE PARK THAT HAD NICE,
9 BIG CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
10 SYMBOL ON IT, AS WELL AS CANS, BOTTLES, AND, YOU
11 KNOW, THE APPROPRIATE LABELS AS TO WHICH CONTAINER
12 THEY SHOULD GO IN. SO I WAS JUST PLEASED TO SEE
13 THE BOARD'S VISIBILITY AT THE STATE PARK THERE.

14 STAFF FROM THE WASTE PREVENTION
15 DIVISION GAVE THE COMMITTEE A PRESENTATION
16 EXPLAINING THE WEB SITE STATISTICS THAT THEY'VE
17 ACCUMULATED AND HOW WE CAN USE THOSE STATISTICS TO
18 BETTER SERVE THE BOARD'S CUSTOMERS. SPECIFICALLY
19 THEY USED THE CALMAX WEB SITE AS THE EXAMPLE.

20 THE STATISTICS THEY PRESENTED NOT
21 ONLY TELL HOW MANY HITS ON EACH WEB SITE HAVE BEEN
22 RECEIVED, BUT ALSO DETAILED WHAT THE BROWSER IS
23 USING. THIS INFORMATION IS IMPORTANT BECAUSE IT

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24 ALLOWS BOARD STAFF TO MAKE APPROPRIATE CHANGES AND
25 TO BETTER SERVE OUR CUSTOMERS USING THE WEB SITE.

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1 THE THING I THOUGHT WAS MOST NOTABLE
2 WAS THAT CERTAINLY THEY COULD HAVE PRESENTED THE
3 STATISTICS IN A WAY THAT JUST MADE THE PROGRAM LOOK
4 GOOD AND SHOWED THE GROWTH, BUT THEY CHOSE TO
5 PRESENT THEM IN A WAY THAT MADE IT CLEAR THAT
6 THEY'RE USING THOSE STATISTICS FOR SELF-ANALYSIS TO
7 TRY TO CONTINUALLY IMPROVE THE USE OF THE WEB SITE.
8 AND I AT THE COMMITTEE COMMENDED STAFF FOR THEIR
9 HONESTY AND FRANKNESS IN USING THE STATISTICS TO
10 MAKE THE PROGRAM MORE EFFECTIVE. I THINK THAT'S
11 COMMENDABLE. THAT COMPLETES MY REPORT.

12 CHAIRMAN PENNINGTON: THANK YOU, MR.
13 CHESBRO. PERMITTING AND ENFORCEMENT COMMITTEE, MR.
14 ROBERT FRAZEE CHAIRS. MR. STEVE JONES WILL BE
15 FILLING IN FOR MR. FRAZEE.

16 BOARD MEMBER JONES: THE PERMITTING AND
17 ENFORCEMENT COMMITTEE MET ON SEPTEMBER 16TH AND
18 HEARD 12 ITEMS. THERE ARE SEVEN ITEMS ON THE
19 CONSENT AGENDA. THEY INCLUDE REVISED SOLID WASTE
20 FACILITY PERMITS FOR AUBURN PLACER DISPOSAL
21 TRANSFER STATION, THE MILLIKEN SANITARY LANDFILL,
22 THE IRWIN SANITARY LANDFILL, THE COLTON SANITARY
23 LANDFILL, AND THE BARSTOW SANITARY LANDFILL, WHICH

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24 GETS SAN BERNARDINO COUNTY WITH ALL OF THEIR PERMIT
25 REVIEWS UP-TO-DATE AND ALL OF THAT DONE.

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1 ANOTHER ITEM ON THE CONSENT WAS
2 CONSIDERATION OF SITES FOR REMEDIATION UNDER THE
3 TIRE STABILIZATION. TWO ITEMS WENT FORWARD OR TWO
4 ITEMS ARE GOING TO BE FUNDED. AND CONSIDERATION OF
5 CLEANUPS AND CODISPOSAL UNDER 2136 PROGRAM. ONE OF
6 THOSE IS CITY OF SAN FRANCISCO WHERE WE -- THE
7 COMMITTEE PUT SOME CONDITIONS ON THAT CLEANUP THAT
8 WOULD INCLUDE THE LOCAL JURISDICTION, BOTH THE LEA
9 AND THE CITY ATTORNEY, TO VIGOROUSLY GO AFTER THE
10 ILLEGAL OPERATOR THAT OPERATED THAT LANDFILL FOR A
11 NUMBER OF YEARS.

12 ON THE REGULAR AGENDA, WE'VE GOT TWO
13 ITEMS THAT WENT FORWARD ON THREE OH VOTES. WE ARE
14 THE EA IN THAT. IT'S CITY OF EL PASO DE ROBLES
15 LANDFILL, BOTH THE NEGATIVE DEC AND REVISED
16 FACILITY PERMIT. THEY WENT FORWARD THREE OH, BUT
17 BECAUSE WE'RE THE EA, WE BROUGHT IT TO THE FULL
18 BOARD.

19 AND THEN WE HAD THREE ITEMS THAT
20 DON'T REQUIRE ANY ACTION BY THE BOARD. ONE WAS
21 FORMALLY NOTICE THE PROPOSED REGULATIONS FOR
22 ENFORCEMENT ASSISTANCE GRANTS. AND THE OTHER IS
WE

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23 GOT A PRESENTATION OF SOLID WASTE FACILITIES
WHICH
24 VIOLATE STATE MINIMUM STANDARDS AND THE UPDATE OF
25 SIGNIFICANT CHANGE VIOLATIONS LIST. AND WE'RE
VERY

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1 PLEASED WITH THE EFFORTS OF LOCAL GOVERNMENT AND
2 OUR STAFF BECAUSE THAT NUMBER IS GOING DOWN AND
3 THAT'S VERY POSITIVE.

4 AND THEN WE ALSO GOT A -- SPENT A
5 COUPLE OF HOURS TALKING ABOUT THE DRAFT OR DRAFT
6 REGULATIONS FOR TRANSFER STATIONS, MATERIAL
7 RECOVERY FACILITIES, AND PROCESSING OPERATIONS.
8 AND STAFF WAS -- WANTED SOME DIRECTION FROM THE
9 COMMITTEE. I THINK THE COMMITTEE GAVE THAT
10 DIRECTION, AND WE'LL HAVE THAT ITEM BACK PROBABLY
11 NEXT MONTH OR THE MONTH AFTER. AND IT WILL COME IN
12 FRONT OF THE BOARD, I'M SURE, BEFORE THE PUBLIC
13 COMMENT PERIOD. AND THAT IS THE PERMITTING AND
14 ENFORCEMENT REPORT.

15 CHAIRMAN PENNINGTON: THANK YOU, MR.
16 JONES. POLICY, RESEARCH, AND TECHNICAL ASSISTANCE
17 COMMITTEE WHICH IS CHAIRED BY MR. JONES.

18 BOARD MEMBER JONES: POLICY COMMITTEE MET
19 ON SEPTEMBER 15TH TO CONSIDER SEVERAL TIRE-RELATED
20 ITEMS. WE ACCEPTED THE REPORTS SUMMARIZING THE
21 RESULTS OF THE EMISSIONS TEST FOR THE TRIAL TESTING
22 USING TIRE-DERIVED FUEL AT THE STOCKTON COGEN
23 PLANT. WE DISCUSSED THE DAMES & MOORE STUDY OF

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24 EMISSIONS FROM FACILITIES USING TIRE-DERIVED FUEL.

25 WE DIDN'T HAVE THE FINAL FINAL REPORT

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1 BEFORE US, SO WE FORWARDED THE ITEM TO THE BOARD
2 PENDING THE RECEIPT OF THE FINAL REPORT, WHICH CAME
3 IN. THE COMMITTEE ALSO TOOK ACTION TO FORWARD TO
4 THE BOARD AN ITEM THAT CODIFIES OUR POLICY TO
5 SUPPORT USING TIRES AS FUEL SUPPLEMENT. THIS ITEM
6 WILL BE ON NEXT MONTH'S AGENDA SO THAT WE CAN GIVE
7 PEOPLE INTERESTED IN THIS IMPORTANT ISSUE
8 APPROPRIATE TIME TO PREPARE TESTIMONY FOR THE
9 BOARD'S CONSIDERATION.

10 WE ALSO ACTED TO REALLOCATE FUNDS TO
11 THE BOARD'S DEMONSTRATION PROJECT USING TIRES IN
12 THE LEVEE CONSTRUCTION. WE NEEDED TO -- WE NEEDED
13 TO KIND OF CLEAR THAT UP, THAT WE HAD APPROVED THE
14 DOLLARS AT THE BOARD MEETING AND THEN HAD TO
15 REALLOCATE THE DOLLARS AFTERWARDS.

16 I DO THINK THAT THE STUDIES THAT
17 WE'RE GOING TO SEE TODAY, THE DAMES & MOORE AND THE
18 OTHER STUDY, ARE GOING TO -- I THINK THAT'S AN
19 IMPORTANT STEP TOWARDS SOLVING THE STATE'S TIRE
20 PROBLEM. I THINK IT'S A VERY IMPORTANT ISSUE. AND
21 IN TALKING TO A LOT OF PEOPLE, THERE IS A VERY GOOD
22 POSSIBILITY THAT WITHIN TWO YEARS, TWO TO THREE
23 YEARS, WE MAY END UP AS A BOARD HAVING BEEN ABLE TO

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24 SOLVE ONE OF THE BIGGEST ENVIRONMENT POTENTIAL

25 DISASTERS IN THIS STATE, AND THAT'S LEGACY TIRES.

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1 IF WE CAN PULL THIS OFF, I AM
2 CONVINCED THAT THAT IS A LEGACY THAT ALL OF US CAN
3 BE VERY PROUD OF. IT SURE IS GOING TO GO A LONG
4 WAY TOWARDS PROTECTING THE ENVIRONMENT THAT WE LIVE
5 IN. THAT IS MY REPORT ON THE POLICY COMMITTEE.

6 CHAIRMAN PENNINGTON: THANK YOU, MR.
7 JONES. I'M GOING TO GIVE THE COMMITTEE REPORT ON
8 THE ADMINISTRATION COMMITTEE AND THEN FOLLOW THAT
9 WITH MR. RELIS OF THE MARKET DEVELOPMENT COMMITTEE,
10 WHO ALSO HAS A PRESENTATION.

11 THE ADMINISTRATION COMMITTEE MET ON
12 SEPTEMBER 15TH AND HEARD THREE ITEMS. TWO OF THE
13 ITEMS ARE ON THE CONSENT CALENDAR AND INCLUDE THE
14 APPROVAL OF CONTRACT CONCEPTS FOR MARKETING THE
15 RECYCLING MARKET DEVELOPMENT ZONE AND THE APPROVAL
16 OF THE AWARD OF THE RMDZ LEGAL SERVICES.

17 THIRD ITEM WAS THE CONSIDERATION OF
18 SPONSORING AMERICA RECYCLE DAY. BASED ON COMMITTEE
19 DIRECTION, BOARD STAFF WILL PROVIDE MORE DETAIL
20 TODAY ON HOW THE REQUESTED FUNDS WOULD BE USED TO
21 PROMOTE PUBLIC AWARENESS OF AMERICA RECYCLES DAY
22 THROUGHOUT CALIFORNIA.

23 MARKET DEVELOPMENT COMMITTEE, MR.
24 RELIS CHAIRMAN.

25 BOARD MEMBER RELIS: MR. CHAIR, THE

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1 COMMITTEE HEARD ONE ITEM, AND IT DEALT WITH FIVE
2 RMDZ LOANS THAT ARE PART OF TODAY'S PACKAGE. FOUR
3 OF THESE LOANS ARE ON THE CONSENT CALENDAR, AND ONE
4 WILL BE PRESENTED BY STAFF FOLLOWING DELIBERATIONS
5 THAT HAVE BEEN HELD BETWEEN THE COMMITTEE MEETING
6 AND THIS TO BRING THIS LOAN FORWARD.

7 SECONDLY, I'D LIKE TO REPORT JUST
8 BRIEFLY ON THE RECENT NATIONAL RECYCLING CONGRESS
9 MEETING HELD IN ORLANDO THIS LAST WEEK. I WAS
10 THERE. MS. GOTCH WAS THERE AS WELL. SERVED ON A
11 GROUP WITH U.S. EPA, TEXAS, STATE OF PENNSYLVANIA,
12 AND NORTH CAROLINA IN THE PRESENTATIONS ON JOBS AND
13 INVESTMENT THAT HAVE BEEN DEVELOPED AND OVERALL
14 MARKET DEVELOPMENT IN EACH OF THESE STATES.

15 I'LL BE PULLING TOGETHER SOME OF THE
16 JOB AND INVESTMENT FIGURES PRESENTED THERE WHICH
17 WERE VERY IMPRESSIVE. THESE WERE REFLECTED BY OUR
18 OWN INPUT AS WELL IN THE NATIONAL FIGURES. BUT
19 NORTH CAROLINA, IN PARTICULAR, HAD A VERY EFFECTIVE
20 BREAKDOWN OF THE MARKET STRUCTURE IN THAT STATE AND
21 WHAT IT HAD PRODUCED BY WAY OF JOBS AND DOLLARS
22 INVESTED IN MARKET TONS.

23 WE HAVE SIMILAR INFORMATION, BUT NOT
24 SO MUCH ON THE JOBS SIDE SINCE WE MADE A PROJEC-
25 TION, I THINK, ABOUT FOUR YEARS AGO OF 20,000 JOBS

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1 THROUGH AB 939 IMPLEMENTATION.

2 HAD A CHANCE TO INTERACT, AS WE OFTEN
3 DO ANNUALLY, WITH REPRESENTATIVES OF FRANCE,
4 ECOIMBOLAGE, WHICH IS THE INDUSTRY SPONSORED
5 RECOVERY SYSTEM FOR FRANCE, AND WITH CANADA ON
6 SHARING APPROACHES TO MARKET DEVELOPMENT AND THE
7 INFRASTRUCTURE STATUS IN THOSE COUNTRIES AND
8 KICKING AROUND WHAT WE'RE DOING HERE IN CALIFORNIA.
9 AND THAT WAS QUITE USEFUL, AND I'LL BE PULLING
10 TOGETHER INFORMATION ON THAT TO SHARE FURTHER.

11 IN ADDITION, WE HAD SOME IN-DEPTH
12 MEETINGS WITH THE DISNEY ORGANIZATION, TOURED A
13 RATHER SIGNIFICANT COMPOST FACILITY THAT SERVES
14 DISNEY WORLD. IT'S A \$15 MILLION COMPOST FACILITY
15 AND A \$6 MILLION MRF. DISCUSSED WITH SOME OF THE
16 PLANNERS OF THAT -- IN THAT ORGANIZATION ABOUT THE
17 PROSPECTS OF RECYCLED-CONTENT USE IN THE BUILDOUT
18 OF DISNEY WORLD HERE IN CALIFORNIA IN ORANGE
19 COUNTY. AND I'M SENDING THEM A LETTER FOLLOWING
20 THE MEETING AND URGING THEM TO MAKE MORE CAREFUL
21 CONSIDERATION OF RECYCLED-CONTENT IN THIS
22 BUILDOUT,
23 AND THAT WILL BE TIMELY BECAUSE OUR REPORT IS

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23 COMING OUT FROM STAFF THAT FOLLOWED THE PLAYA
VISTA

24 L.A. DISCUSSIONS ON HOW TO DEVELOP SPECIFIC

25 MATERIALS USEFUL FOR LARGE AND SMALL
CONSTRUCTION

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1 PROJECTS.

2 AT THIS TIME I'D LIKE TO TAKE A
3 MOMENT AND GIVE OUT A RESOLUTION AND MAKE A FEW
4 COMMENTS ABOUT SOME STAFF CONTRIBUTIONS IN THE
5 MARKET DEVELOPMENT AREA. SO I'M GOING TO WALK DOWN
6 HERE AND TAKE CARE OF THIS.

7 ALL RIGHT. I'D LIKE TO ASK MONICA
8 CARLOS TO COME FORWARD. THANK YOU. I'D LIKE TO
9 ACKNOWLEDGE AND COMMEND YOU FOR YOUR WORK AS
10 ADMINISTRATOR FOR THE MARKET ZONE FOR LOS ANGELES
11 COUNTY, THE RECYCLING MARKET DEVELOPMENT ZONE FOR
12 LOS ANGELES COUNTY, WHICH INCLUDES THE
13 UNINCORPORATED AREA OF THE COUNTY AND 14 CITIES.
14 SO THIS IS A VERY SIGNIFICANT ZONE.

15 IT REPRESENTS, IN FACT, THE LARGEST
16 MANUFACTURING CENTER IN THE ENTIRE NATION. AND
17 WHEREAS, THERE IS A CRITICAL NEED IN THIS REGION OF
18 THE STATE TO QUICKLY DEVELOP MARKETS FOR
19 RECYCLABLES SO THAT LOCAL JURISDICTIONS CAN MEET
20 THEIR DISPOSAL REDUCTION MANDATES AND PRESERVE
21 LIMITED DISPOSAL CAPACITY; AND WHEREAS, YOU,
22 MONICA, WITH THE COOPERATION AND SUPPORT
PROVIDED

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23 THROUGH MONTHLY MARKETING MEETINGS, HAS
24 DEMONSTRATED AN ABILITY TO WORK EFFECTIVELY
WITH 15
25 DIVERSE JURISDICTIONS, NO SMALL TASK; AND WHERE
IN

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1 A VERY SHORT TIME, YOU HAVE DEMONSTRATED GREAT
2 LEADERSHIP IN CREATIVELY MARKETING THE ZONE
3 PROGRAM, INCLUDING DIRECT MARKETING EFFORTS,
4 TARGETING 1400 BUSINESSES, AND IN ITS FIRST PHASE
5 LED TO THE DEVELOPMENT OF SEVERAL PROSPECTIVE
6 BUSINESSES, AND THAT YOU HAVE BEEN RESPONSIBLE FOR
7 BRINGING FORWARD SEVERAL ZONE LOAN APPLICATIONS FOR
8 BOARD CONSIDERATION, WE WOULD LIKE TO COMMEND LOS
9 ANGELES COUNTY AND SPECIFICALLY YOU FOR YOUR
10 LEADERSHIP AND YOUR INNOVATION IN MAKING A SUCCESS
11 OF THIS PROGRAM. SO ON BEHALF OF THE BOARD,
12 MONICA, THANK YOU VERY MUCH.

13 (APPLAUSE.)

14 MS. CARLOS: I WOULD LIKE TO THANK YOU FOR
15 THE PRESENTATION AND ALSO TO THANK ALL OF THE ZONE
16 STAFF FOR ALL THE ASSISTANCE THAT I RECEIVED,
17 SPECIFICALLY WITH CHUCK HAUBRICK WITH THE LOAN
18 PROGRAM AND DASSI PINTAR WITH THE ZONE PROGRAM,
19 BECAUSE WITHOUT THEIR UNDYING ASSISTANCE TO ALL MY
20 EFFORTS, I WOULDN'T BE ABLE TO PROMOTE THE PROGRAM
21 LIKE I HAVE.

22 AND ALSO I'D LIKE TO COMMEND THE
23 BOARD FOR THE RECENT REGULATION CHANGES BECAUSE I

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24 THINK A LOT OF THE CHANGES THAT HAVE BEEN MADE WILL

25 ENABLE LOS ANGELES COUNTY TO GET MORE BUSINESSES

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1 INVOLVED IN THE RMDZ LOAN PROGRAM. SO THAT'S IT.
2 THANK YOU.

3 BOARD MEMBER RELIS: WELL, NOW THIS IS
4 YOURS. SO AGAIN THANK YOU.

5 (APPLAUSE.)

6 BOARD MEMBER RELIS: NOW A FEW OTHER
7 WORDS. AT THIS TIME I'D LIKE TO CALL UP TWO OF THE
8 LOAN SECTION STAFF HERE, IF YOU WOULD, CHUCK AND
9 ROMA. CHUCK AND ROMA HAVE BEEN FOCUSING ALL THEIR
10 ENERGIES WORKING WITH KEY ZONE ADMINISTRATORS TO
11 BOOST THE ACTIVITY LEVEL IN THE LOAN PROGRAM. I'D
12 LIKE TO TAKE THIS OPPORTUNITY TO RECOGNIZE BOTH
13 YOUR CONTRIBUTIONS BECAUSE THE LOAN PROGRAM, AS
14 MANY OF YOU KNOW, SOME OF YOU KNOW, WE HAD VERY FEW
15 PEOPLE STAFFING THAT PROGRAM UNTIL RECENTLY, AND WE
16 FELL OFF IN OUR LOAN ACTIVITY. AND THIS WAS OF
17 CONCERN TO THE BOARD AND TO FURTHERING OUR MISSION.

18 WITH ONE LOAN OFFICER TO COVER ALL
19 SPECIAL CIRCUMSTANCES AND FORECLOSURE WORK, THE TWO
20 REMAINING LOAN OFFICERS WERE LEFT TO COVER THE
21 ENTIRE STATE. IT'S A BIG STATE, AND THAT'S A LOT
22 TO EXPECT. BOTH OF YOU HAVE REALLY STEPPED TO THE
23 PLATE IN TERMS OF FILLING IN WHAT WE HAD AS A VOID

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24 AND HELPING US MAKE THE PROGRAM REBOUND. AND AS WE
25 MOVE INTO A NEW ERA IN THE PROGRAM WITH A FULL

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1 COMPLEMENT OF STAFF WITH OUR RECENT NEW HIRES AND
2 OUTSOURCING OF SOME OF THE MAJOR ADMINISTRATIVE
3 TASKS THAT HAVE BURDENED OUR STAFF TIME AND KEPT US
4 FROM BEING IN THE FIELD AS MUCH AS WE NEED TO BE ,
5 IT'S TIME TO ACKNOWLEDGE THESE OUTSTANDING EFFORTS.

6 CHUCK, YOU HAVE BEEN WORKING IN
7 PARTNERSHIP WITH MONICA, WHO WE JUST HEARD FROM, TO
8 PRODUCE EXCELLENT RESULTS, MANY OF WHICH ARE ON
9 TODAY'S AGENDA. CHUCK HAS PURSUED MAIL AND
10 TELEMARKETING TO ACHIEVE THIS IMPRESSIVE RESULT.
11 AND WANT TO THANK YOU SPECIFICALLY IN THAT REGARD.

12 AND, ROMA, YOU'VE BEEN SUPPORTING
13 MANY OF THE OTHER ZONE ADMINISTRATORS IN A VERY
14 SIMILAR FASHION, AND I KNOW I'VE HEARD VERY
15 FAVORABLE FEEDBACK FROM THE FIELD ON BOTH OF YOU
16 AND YOUR PERFORMANCE THERE.

17 SO LET ME JUST CONCLUDE BY SAYING WE
18 OWE YOU A DEEP DEBT OF GRATITUDE HERE AT THE BOARD,
19 AND THE STATE OF CALIFORNIA IS VERY WELL SERVED BY
20 YOUR ABLE WORK. THANK YOU.

21 (APPLAUSE.)

22 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
23 MR. RELIS. THANK YOU FOR THOSE PRESENTATIONS.

24 NOW WE'LL MOVE TO THE EXECUTIVE
25 DIRECTOR'S REPORT, MR. CHANDLER.

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1 MR. CHANDLER: THANK YOU, MR. CHAIRMAN,
2 AND GOOD MORNING, MEMBERS. I WOULD LIKE TO BRIEFLY
3 UPDATE YOU ON A NUMBER OF IMPORTANT ISSUES SINCE
4 OUR LAST MEETING. STARTING FIRST, AS BOARD MEMBER
5 GOTCH INDICATED IN HER REMARKS, WITH A LEGISLATIVE
6 UPDATE. AS YOU KNOW, THE FIRST HALF OF THE '96-'97
7 LEGISLATIVE SESSION HAS ENDED, AND THE GOVERNOR HAS
8 UNTIL OCTOBER 12TH TO SIGN, VETO, OR LET BILLS
9 BECOME LAW WITHOUT HIS SIGNATURE.

10 SO HERE'S A BRIEF STATUS REPORT ON
11 SOME OF THE BILLS THE BOARD HAS BEEN FOLLOWING.
12 STARTING FIRST WITH SB 1196 BY SENATOR LESLIE,
13 WHICH WOULD HAVE EXEMPTED ALPINE COUNTY FROM THE
14 REQUIREMENTS TO PREPARE A COUNTYWIDE SITING ELEMENT
15 AND A SUMMARY PLAN, WAS DROPPED AT THE BOARD'S
16 REQUEST AFTER THE ISSUES ALPINE COUNTY HAD WERE
17 RESOLVED ADMINISTRATIVELY.

18 THE COUNTY SUBMITTED A MUCH SIMPLER
19 COUNTYWIDE SITING ELEMENT, MOSTLY PREPARED BY BOARD
20 STAFF, AND THERE WAS NO REQUIREMENT TO DO A SUMMARY
21 PLAN.

22 THE FOLLOWING BILLS ARE NOW ON THE
23 GOVERNOR'S DESK AWAITING ACTION: AB 84 BY
24 ASSEMBLYMAN WOODS DEALS WITH STATE CONTRACTS AND
25 RECYCLING PRODUCTS AND PREFERENCES WHICH WOULD

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1 REQUIRE STATE AGENCIES TO GIVE A PRICE PREFERENCE
2 NOT TO EXCEED 10 PERCENT TO PRODUCTS MANUFACTURED
3 WITH RICE STRAW.

4 ASSEMBLY BILL 705, STROM-MARTIN, ALSO
5 DEALING WITH STATE RECYCLING, WOULD REQUIRE, UPON
6 THE REQUEST OF A LOCAL AGENCY, THAT ANY STATE
7 AGENCY DECLARE TO WHAT EXTENT IT INTENDS TO UTILIZE
8 PROGRAMS OR FACILITIES ESTABLISHED BY THE LOCAL
9 AGENCY FOR THE HANDLING, DIVERSION, AND DISPOSAL OF
10 SOLID WASTE.

11 AB 847 BY ASSEMBLYMAN WAYNE DEALS
12 WITH DISCARDED MAJOR APPLIANCES, SPECIFICALLY THOSE
13 IN THE AREA OF HAZARDOUS WASTES OR APPLIANCES THAT
14 HAVE HAZARDOUS WASTE. THE BILL WOULD PROVIDE THAT
15 A HAZARDOUS WASTE GENERATOR IS ANY PERSON WHO
16 REMOVES FROM A MAJOR APPLIANCE ANY MATERIAL THAT
17 REQUIRES SPECIAL HANDLING AND AS SUCH WOULD BE
18 DESIGNATED AS A HAZARDOUS WASTE.

19 AB 1055, VILLARAIGOSA, DEALING WITH
20 PLAYGROUND EQUIPMENT AND FACILITIES, A GRANT
21 PROGRAM, IT WOULD PROVIDE GRANTS TO LOCAL AGENCIES
22 TO UPGRADE AND IMPROVE LOCAL PLAYGROUNDS THROUGH
23 THE USE OF RECYCLED MATERIALS.

24 I UNDERSTAND THAT SB 451 WAS VETOED
25 BY THE GOVERNOR YESTERDAY. THAT HAD TO DO WITH

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1 LAND USE GENERAL PLANS.

2 SB 675, COSTA, DEALING WITH AIR
3 POLLUTION ODORS, THIS WOULD EXTEND UNTIL FOUR
4 YEARS FROM THE EFFECTIVE DATE OF THIS BILL CURRENT
5 STATE PROVISIONS THAT DELEGATE PRIMARY REGULATORY
6 RESPONSIBILITY FOR COMPOST FACILITY ODOR TO OUR
7 LOCAL ENFORCEMENT AGENCIES.

8 SB 1066, SHER, SOLID WASTE IN DEALING
9 SPECIFICALLY IN THE AREA OF MARKET DEVELOPMENT,
10 THIS WOULD AUTHORIZE THE BOARD TO GRANT SINGLE- OR
11 MULTIPLE-YEAR EXTENSIONS TO ACHIEVE THE GOALS OF
12 THE INTEGRATED WASTE MANAGEMENT ACT. ADDITIONALLY,
13 THE BILL WOULD REQUIRE THE BOARD'S MARKET DEVELOP-
14 MENT PLAN TO INCLUDE EFFORTS TO ENCOURAGE AND
15 PROMOTE COOPERATIVE REGIONAL PROGRAMS TO EXPAND
16 MARKETS FOR RECYCLED MATERIALS AND INCLUDE
17 ACTIVITIES TO ADDRESS PROBLEMS AND OPPORTUNITIES
18 THAT ARE UNIQUE TO RURAL, URBAN, AND SUBURBAN AREAS
19 OF THE STATE.

20 SB 1179, POLANCO, DEALING WITH SOLID
21 WASTE ENTERPRISE AND INDEMNITY OBLIGATIONS FOR
22 DIVERSION PENALTIES, THIS WOULD RESTRICT THE
23 ABILITY OF LOCAL GOVERNMENTS TO IMPOSE MONETARY
24 PENALTIES ON SOLID WASTE ENTERPRISES FOR THEIR
25 ENTERPRISE'S FAILURE TO MEET SOLID WASTE DIVERSION

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1 MANDATES SPECIFIED IN THE INTEGRATED WASTE
2 MANAGEMENT ACT.

3 SB 1330, LOCKYER, DEALING WITH SOLID
4 WASTE, A FARM AND RANCH CLEANUP AND ABATEMENT GRANT
5 PROGRAM, WOULD REQUIRE THE BOARD TO CREATE A GRANT
6 PROGRAM TO CITIES AND COUNTIES TO COVER THE COST OF
7 CLEANING UP SOLID WASTE ILLEGALLY DISPOSED ON FARM
8 OR RANCH PROPERTY.

9 I WILL KEEP THE BOARD INFORMED HOW
10 THE GOVERNOR ACTS ON THESE BILLS IN THE ENSUING
11 DAYS.

12 SECONDLY, I'D LIKE TO BRING TO THE
13 BOARD'S ATTENTION AN ITEM ON THE CONSENT CALENDAR,
14 ITEM 27, WHICH IS THE COLTON LANDFILL PERMIT. THIS
15 PERMIT BRINGS TO CONCLUSION AN EFFORT STARTED
16 SEVERAL YEARS AGO BY BOARD STAFF AND THE LEA TO
17 UPDATE THE PERMITS OF 17 COUNTY LANDFILLS IN SAN
18 BERNARDINO COUNTY.

19 THE COUNTY IS NOW BEGINNING TO
20 IMPLEMENT A STRATEGY TO REGIONALIZE ITS LANDFILL
21 OPERATIONS, RESULTING IN SEVERAL LANDFILL
CLOSURES

22 OVER THE NEXT FEW YEARS AND THE EXPANSION OF
23 OTHERS.

24 I'M PLEASED TO REPORT THAT AS A

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PART

25 OF OUR EFFORTS TO MAKE MORE INFORMATION AVAILABLE

29

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1 OVER THE INTERNET, THE INVENTORY OF SOLID WASTE
2 FACILITIES THAT VIOLATE STATE MINIMUM STANDARDS
3 WILL BE ON-LINE WITHIN THE NEXT FEW DAYS. EVEN
4 MORE IMPORTANTLY, I'M PLEASED TO REPORT THAT THE
5 NUMBER OF FACILITIES LISTED IN THE INVENTORY HAS
6 DECREASED SUBSTANTIALLY FROM 47 IN JANUARY OF THIS
7 YEAR TO 30 JUST THIS MONTH OR A 42-PERCENT
8 REDUCTION.

9 I'D ALSO LIKE TO BRIEFLY UPDATE YOU
10 ON THE PROGRESS CITIES AND COUNTIES ARE MAKING IN
11 FILING THEIR ANNUAL REPORTS. WE NOW HAVE RECEIVED
12 APPROXIMATELY 330 OF THE 380 REPORTS DUE FOR THE
13 1995 CALCULATIONS AND ARE WORKING TO OBTAIN THE
14 REPORTS FROM THE REMAINING JURISDICTIONS. WE ALSO
15 HAVE RECEIVED 223 OF THE CLOSE TO 500 ANNUAL
16 REPORTS FOR 1996, WHICH WERE DUE AUGUST 1ST OF THIS
17 YEAR.

18 LOCAL ASSISTANCE STAFF WILL SOON BE
19 SENDING NOTICES OUT TO THE JURISDICTIONS THAT
20 HAVEN'T COMPLIED AND REMIND THEM OF THE
21 REQUIREMENT.

22 AND AS WAS MENTIONED IN MR. JONES'
23 REPORT, AND I'LL JUST BRIEFLY UPDATE OR ADD TO
24 THAT, STAFF IS IN THE PROCESS OF REVISING THE
25 PROPOSED TRANSFER PROCESSING REGULATIONS TO

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REFLECT

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1 DIRECTION FROM THE P&E COMMITTEE. THE REVISED
2 VERSION OF THE REGULATIONS WILL BE FORWARDED TO
3 MEMBERS OF A CORE WORKING GROUP. THE WORKING GROUP
4 WILL MEET ON OCTOBER 15TH TO INFORMALLY COMMENT ON
5 THE REVISED VERSION OF THE REGULATIONS BEFORE
6 COMING TO THE COMMITTEE AND THE BOARD IN NOVEMBER.

7 ON SEPTEMBER 26TH, THE NONHAZARDOUS
8 WASTE REGULATIONS WERE APPROVED BY THE OFFICE OF
9 ADMINISTRATIVE LAW AND ARE EFFECTIVE. STAFF IS IN
10 THE FINAL STAGES OF COMPLETING AN LEA ADVISORY IN
11 COOPERATION WITH THE DEPARTMENT OF FOOD AND
12 AGRICULTURE. THE LEA ADVISORY WILL PROVIDE
13 GUIDANCE ON HOW TO HANDLE COMPLAINTS OR OTHER
14 ISSUES RELATED TO THE APPLICATION OF NONHAZARDOUS
15 ASH TO AGRICULTURAL LAND.

16 AND THAT CONCLUDES MY REPORT. I
17 WOULD LIKE TO, JUST AS A FOOTNOTE, MENTION THAT
18 TOMORROW, IN THE SECOND DAY OF OUR BOARD MEETING,
19 WE WILL BE DEDICATING THAT SESSION TO A STAFF
20 PRESENTATION SURROUNDING THE IMPLEMENTATION OF OUR
21 STRATEGIC PLAN, SPECIFICALLY OUR EFFORTS TO
22 EVALUATE EACH AND EVERY PROGRAM WITH THE GOAL OF
23 BEGINNING DELIBERATIONS WITH THE BOARD ON FOCUSING

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24 OUR BOARD ACTIVITIES TO THOSE VITAL FEW STRATEGIES
25 THAT WILL ACCOMPLISH OUR LEGISLATIVE MANDATES.

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1 SO I WOULD ENCOURAGE ANY OF THOSE IN
2 THE AUDIENCE WHO WISH TO HEAR THAT TO CONSIDER
3 ATTENDING. AND, AGAIN, THAT CONCLUDES MY REMARKS.
4 THANK YOU.

5 CHAIRMAN PENNINGTON: THANK YOU, MR.
6 CHANDLER. NOW WE'LL MOVE TO CONSIDERATION OF THE
7 CONSENT CALENDAR. THE CONSENT CALENDAR INCLUDES
8 ITEMS 4, 5, 7 THROUGH 22, 24 THROUGH 30, 33A
9 THROUGH 33D AND 34.

10 IS THERE ANY MEMBER WHO WISHES TO
11 PULL ANY ITEMS OFF THE CONSENT CALENDAR?

12 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

13 CHAIRMAN PENNINGTON: MR. CHESBRO.

14 BOARD MEMBER CHESBRO: I'D LIKE TO PULL
15 ITEMS 4A AND ITEM 5 OFF THE CONSENT.

16 CHAIRMAN PENNINGTON: OKAY. OKAY.
17 PULLING 4A AND 5.

18 ANYONE ELSE WISHING TO PULL ANYTHING
19 FROM THE CONSENT CALENDAR? IF NOT, I'LL ACCEPT A
20 MOTION.

21 BOARD MEMBER CHESBRO: SO MOVED.

22 BOARD MEMBER JONES: SECOND.

23 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
24 MOVED AND SECONDED THAT THE CONSENT CALENDAR
BE

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25 APPROVED WITH 4A AND 5 BEING REMOVED. WILL
THE

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1 SECRETARY CALL THE ROLL.

2 THE SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 THE SECRETARY: GOTCH.

5 BOARD MEMBER GOTCH: AYE.

6 THE SECRETARY: JONES.

7 BOARD MEMBER JONES: AYE.

8 THE SECRETARY: RELIS.

9 BOARD MEMBER RELIS: AYE.

10 THE SECRETARY: CHAIRMAN PENNINGTON.

11 CHAIRMAN PENNINGTON: AYE. MOTION

12 CARRIES.

13 LET'S SEE. WE'LL GO TO ITEM 4 NOW.

14 WE'LL MOVE TO ITEM 4A, I GUESS.

15 BOARD MEMBER CHESBRO: MR. CHAIRMAN, JUST

16 IN KEEPING WITH THE ADDITION OF REDUCE, RECUSE,

17 RECYCLE, I'M GOING TO RECUSE MYSELF ON THIS ITEM

18 BECAUSE OF THE POSSIBLE APPEARANCE OF A VERY REMOTE

19 CONFLICT OF INTEREST. I SERVE AS AN UNPAID MEMBER

20 OF THE BOARD OF DIRECTORS OF A NONPROFIT

21 ORGANIZATION THAT MAY SUBMIT BIDS FOR THIS

22 CONTRACT. ALTHOUGH THERE IS NO ACTUAL CONFLICT

23 BECAUSE I AM VOLUNTEERING MY TIME ON THAT BOARD AND

24 RECEIVE NO INCOME FOR IT, AND THE BOARD IS NOT

25 AWARDED THIS CONTRACT TODAY, IT'S ONLY APPROVING

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1 THE CONTRACT CONCEPT, I AM REFRAINING FROM
2 DISCUSSING OR IN ANY WAY ATTEMPTING TO INFLUENCE
3 THIS CONTRACT IN EITHER MY CAPACITY AS A MEMBER OF
4 THIS BOARD OR AS AN OFFICER OF THAT NONPROFIT
5 ORGANIZATION.

6 CHAIRMAN PENNINGTON: OKAY. SO WE NEED A
7 MOTION TO APPROVE CONSIDERATION OF CONCEPT
8 CONTRACT -- CONTRACT CONCEPT FOR MARKETING THE
9 RECYCLING MARKET DEVELOPMENT LOAN ZONE FOR FISCAL
10 '97-'98, NO. A, RMDZ MANUFACTURING BUSINESS
11 INVESTMENT FORUMS.

12 BOARD MEMBER GOTCH: SECONDED.

13 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
14 SECONDED. IF THERE'S NO FURTHER DISCUSSION, WILL
15 THE SECRETARY CALL THE ROLL.

16 THE SECRETARY: BOARD MEMBER GOTCH.

17 BOARD MEMBER GOTCH: AYE.

18 THE SECRETARY: JONES.

19 BOARD MEMBER JONES: AYE.

20 THE SECRETARY: RELIS.

21 BOARD MEMBER RELIS: AYE.

22 THE SECRETARY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: AYE. MOTION
24 CARRIES.

25 MS. TRGOVCICH: MR. CHAIRMAN, IF I CAN

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1 JUST SEEK SOME CLARIFICATION THAT WE SOUGHT IN
2 COMMITTEE WHEN WE TOOK UP THIS ITEM. ITEM NO. 4A
3 AND THE PRESENTATION THAT WE HEARD FROM U.S. EPA,
4 THE COMMITTEE APPROVED THAT CONCEPT IN COOPERATION
5 WITH U.S. EPA, SO THIS WOULD NOT BE PURSUED IN A
6 COMPETITIVE PROCESS, BUT WOULD BE PURSUED AS A
7 STANDARD AGREEMENT WITH U.S. EPA. SO IF IT WOULD
8 BE POSSIBLE TO INCLUDE THAT AS A PART OF THE
MOTION

9 AS WELL.

10 CHAIRMAN PENNINGTON: OKAY.

11 MS. TRGOVCICH: I APOLOGIZE. THAT
WAS THE

12 MODIFICATION THAT WAS MADE IN COMMITTEE.

13 CHAIRMAN PENNINGTON: OH, OKAY.
SORRY. I

14 MOVED TOO FAST ON YOU THEN. WILL THE MAKER
OF THE

15 MOTION --

16 BOARD MEMBER JONES: YES, IT IS
AMENDED AS

17 DIRECTED.

18 CHAIRMAN PENNINGTON: AS REQUESTED
BY

19 STAFF.

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20 BOARD MEMBER GOTCH: SECOND.

21 CHAIRMAN PENNINGTON: AND THE
SECOND

22 ACCEPTS THAT AMENDMENT. IS THAT CLEAR?

23 THE SECRETARY: YES.

24 CHAIRMAN PENNINGTON: I GUESS WE'LL
TAKE

25 ANOTHER VOTE ON IT. WILL YOU CALL THE ROLL.

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1 THE SECRETARY: BOARD MEMBER GOTCH.

2 BOARD MEMBER GOTCH: AYE.

3 THE SECRETARY: JONES.

4 BOARD MEMBER JONES: AYE.

5 THE SECRETARY: RELIS.

6 BOARD MEMBER RELIS: AYE.

7 THE SECRETARY: CHAIRMAN PENNINGTON.

8 CHAIRMAN PENNINGTON: AYE. MOTION

9 CARRIES AS AMENDED.

10 OKAY. ITEM NO. 5, CONSIDERATION OF
11 CONTRACT CONCEPT AND APPROVAL TO AWARD A CONTRACT
12 TO BOUTIN, DENTINO, GIBSON & DI GIUSTO FOR THE
13 SPECIALIZED LEGAL SERVICES IN SUPPORT OF THE
14 RECYCLING MARKET DEVELOPMENT ZONE REVOLVING LOAN
15 PROGRAM. THIS WAS APPROVED BY THE ADMINISTRATION
16 COMMITTEE. KATHRYN.

17 MS. TOBIAS: THE QUESTION IS, I THINK,
18 FROM BOARD MEMBER CHESBRO IS WHY THIS PARTICULAR
19 CONTRACT IS NOT PUT OUT TO PUBLIC BID. THE PUBLIC
20 CONTRACT CODE, SPECIFICALLY SECTION 10380, AND
21 GOVERNMENT CODE SECTION 14827.3 GIVE THE DEPARTMENT
22 OF GENERAL SERVICES AUTHORITY TO DETERMINE THE
23 TYPES OF CONTRACTS THAT MAY BE EXEMPT FROM THE
24 COMPETITIVE BIDDING PROCESS. THE STATE

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25 ADMINISTRATIVE MANUAL, SECTION 1233, SPECIFICALLY
36

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1 EXEMPTS LEGAL SERVICES CONTRACTS.

2 SO THIS IS A STANDARD OPERATING
3 PROCEDURE BY ALL STATE AGENCIES. I WILL ADD THAT
4 WHEN IT IS APPROPRIATE CONTRACTS WHICH SERVE THE
5 LOAN PROGRAM, FOR EXAMPLE, EVEN THOUGH THEY MAY
6 HAVE A SMALL LEGAL COMPONENT, ARE BEING PUT OUT TO
7 BID. SO THE ONLY ONES THAT ARE NOT ARE WHERE THEY
8 ARE SPECIFICALLY COMPLETELY LEGAL AND WHERE WE HAVE
9 FOUND THAT WE NEED SOME VERY SPECIFIC TYPE OF LEGAL
10 ASSISTANCE.

11 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

12 CHAIRMAN PENNINGTON: MR. CHESBRO.

13 BOARD MEMBER CHESBRO: I HAVE SEVERAL
14 ISSUES ON THIS ITEM. THE FIRST ONE I RAISE IN
15 LIGHT OF, WHICH KATHRYN HAS ADDRESSED AT LEAST
16 THE
17 LEGAL REQUIREMENTS OF, I RAISE IN LIGHT OF OUR
18 BUDGET CONSTRAINTS AND THE NEED FOR US TO BE
19 WATCHING ALL ALONG WHETHER WE ARE GETTING THE
20 MOST
21 ECONOMICAL APPROACH TO A PARTICULAR CONTRACTOR
22 ISSUE.

21 I'D LIKE TO SEE COMPETITIVE
BIDDING

22 FOR LEGAL SERVICES WHEREVER POSSIBLE, AND I

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23 UNDERSTAND THAT COMPETITIVE BIDS ARE NOT
REQUIRED,

24 BUT I DO THINK THAT THE BOARD NEEDS TO
CONTINUALLY

25 LOOK AT WAYS TO PUSH ADMINISTRATIVE COSTS DOWN.

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1 MY SECOND CONCERN IS THAT I'M NOT
2 COMPLETELY CLEAR ON THE SCOPE OF THE CONTRACT.
3 THIS PARTICULAR LEGAL FIRM HAS DONE WORK ON TIRES,
4 RMDZ, AND LOAN CLOSING OR FORECLOSURE WORK. AND I
5 JUST WANT SOME CLARIFICATION ON WHETHER OR NOT ALL
6 OF THOSE ITEMS WILL BE FUNDED UNDER THIS CONTRACT
7 OR WHETHER IT'S SPECIFICALLY JUST FOR THE LOAN
8 PROGRAM SERVICES.

9 AND THE LAST ISSUE IS PROBABLY THE
10 MOST IMPORTANT; AND THAT IS, I BELIEVE WE OUGHT TO
11 BE LOOKING AT, AGAIN GIVEN OUR BUDGET CONSTRAINTS,
12 CONTINUALLY IMPROVING OUR IN-HOUSE CAPACITY OR AT
13 LEAST MAKING A DECISION ABOUT WHAT'S THE MOST
14 COST-EFFECTIVE MEANS OF PROVIDING A SERVICE. AND
15 IN THAT LIGHT, GIVEN THE FACT THAT IT'S A QUARTER
16 OF A MILLION DOLLARS, I WOULD LIKE TO KNOW WHETHER
17 OR NOT WE LOOKED AT THE QUESTION OF DOING THIS WORK
18 IN-HOUSE.

19 I KNOW A PREVIOUS ATTORNEY IN THE
20 LEGAL OFFICE HAD SOME OF THESE CAPABILITIES, AND I
21 GUESS THE QUESTION IS NOT JUST DID WE LOOK AT IT,
22 BUT IS IT POSSIBLE FOR US TO USE -- IT'S GOING TO
23 BE APPROVED AND I'M EVEN PROBABLY GOING TO VOTE FOR

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24 IT -- TO BUILD UP THAT CAPACITY WITHIN THE LEGAL
25 OFFICE FOR THE FUTURE IN TERMS OF INCREASING OUR

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1 ABILITY TO DO MORE OF THIS WORK IN-HOUSE AND SPEND
2 LESS MONEY ON THE CONTRACTED-OUT SERVICES.

3 MS. TOBIAS: LET ME RESPOND TO A COUPLE OF
4 THOSE POINTS. IN TERMS OF COMPETITIVE PRICE, I
5 THINK WE ACTUALLY HAVE AN EXTREMELY COMPETITIVE
6 PRICE ON THIS PARTICULAR CONTRACTOR. WHEN I CAME
7 ON BOARD, THIS PARTICULAR CONTRACTOR HAD ALREADY
8 BEEN SELECTED TO WORK WITH THE LOAN PROGRAM WITH
9 MAUREEN MORRISON, WHO WAS THE PREVIOUS ATTORNEY WHO
10 WAS WORKING ON THE LOAN PROGRAM.

11 WE RENEGOTIATED THEIR PRICE WHEN
12 THEIR CONTRACT NEXT CAME UP, WHICH WAS SEVERAL
13 ITERATIONS AGO. AND I HAVE TO SAY I THINK THIS IS
14 AN EXTREMELY COMPETITIVE PRICE GIVEN THE CURRENT
15 COST OF LEGAL SERVICES ON THE MARKET. WE HAVE A
16 BLENDED RATE, WHICH INCLUDES THEIR PARALEGAL WHO
17 WORKS ON A LOT OF THE RESEARCH AND THE ATTORNEY.
18 WE WORK SPECIFICALLY WITH ONE ATTORNEY. WE'RE VERY
19 CAREFUL ON THEIR COSTS. AND I HAVE TO SAY, GIVEN
20 MY PREVIOUS EXPERIENCE AT A LAW FIRM, I FEEL LIKE
21 WE'RE EXTREMELY COMPETITIVE WITH THIS, AND THAT THE
22 CONTRACT IS VERY WELL MANAGED.

23 AS TO THE IN-HOUSE CAPACITY, IT'S

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24 TRUE THAT WHEN THIS LOAN PROGRAM DID START OUT, I

25 THINK THAT THE PROPOSAL WAS TO TRAIN ONE OF OUR

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1 ATTORNEYS SO THAT AT SOME POINT WE MIGHT EVEN PHASE
2 OUT THIS PARTICULAR EXPERTISE OR THIS PARTICULAR
3 CONTRACT, I SHOULD SAY. WHAT WE FOUND WAS THAT, TO
4 A CERTAIN EXTENT, THE TYPES OF PROBLEMS THAT WE SEE
5 WITH THE -- I SHOULD SAY THE TYPES OF PROBLEMS THAT
6 GO TO THE OUTSIDE COUNSEL ARE ACTUALLY VERY
7 COMPLEX. THEY USUALLY INVOLVE A SITUATION WHICH WE
8 HAVE NOT SEEN BEFORE AND WHICH MOST LOAN COUNSEL
9 WOULD NOT SEE BEFORE BECAUSE OF THE UNIQUENESS OF
10 OUR PROGRAM. THEY INCLUDE DIFFERENT TYPES OF
11 COLLATERAL, DIFFERENT TYPES OF GUARANTORS,
12 DIFFERENT TYPES OF SITUATIONS IN WHICH THE
13 GUARANTORS ARE INVOLVED.

14 SO WE CURRENTLY HAVE AN ATTORNEY
15 WORKING ON THIS PROJECT WHO DOES HAVE A FAIR AMOUNT
16 OF EXPERTISE IN THE LOAN AREA. I THINK SHE'S
17 WORKED OUT A VERY EXPEDITIOUS TYPE OF REVIEW WITH
18 BOTH LOAN STAFF AND OUTSIDE COUNSEL. SO THE ONLY
19 THINGS THAT GO TO OUTSIDE COUNSEL ARE REALLY VERY
20 COMPLEX MATTERS.

21 THE GOOD THING ABOUT HAVING OUTSIDE
22 COUNSEL IN THAT PARTICULAR SITUATION IS THAT WHERE
23 WE -- OUR ATTORNEYS AND OUR LOAN STAFF SEE A VERY

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24 PARTICULAR TYPE OF LOAN IN OUR SITUATION. THE
25 LOAN -- THE ATTORNEYS WHO WORK FOR THE OUTSIDE FIRM

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1 ARE WORKING ACROSS THE STATE IN A LOT OF DIFFERENT
2 LOAN TYPES OF SITUATIONS WITH DIFFERENT KINDS OF
3 BANKS, DIFFERENT TYPES OF SITUATIONS, SO THEY ARE
4 SEEING FAR MORE LOAN PROBLEMS THAN WE WOULD EVER
5 SEE. AND IT REALLY HAS BEEN A HUGE BENEFIT FOR US
6 TO BE ABLE TO TAP INTO THAT RESOURCE.

7 I HAVE TO SAY I REALLY DO THINK THIS
8 ATTORNEY WHO WORKS ON THESE HAS A VERY GOOD
9 BACKGROUND IN THE LOANS AREA IN THESE TYPES OF
10 SITUATIONS.

11 WITH RESPECT TO THE TYPES OF SERVICES
12 THEY PROVIDE, THIS CONTRACT IS FOR LOAN SERVICES
13 WITH THIS PARTICULAR ATTORNEY. I DON'T KNOW IF YOU
14 WANT TO ADD ANYTHING TO THAT, CAREN.

15 MS. TRGOVCICH: MAYBE JUST TO BRING YOU
16 BACK TO LAST MONTH'S BOARD MEETING WHERE WE CHOSE
17 NOT TO AWARD THIS VERY CONTRACT IN A COMPETITIVE
18 BID PROCESS BECAUSE WE DIDN'T RECEIVE ANY QUALIFIED
19 BIDS, THAT WHAT WE INDICATED WE WOULD DO, AND
20 THAT'S THE CONCEPT AND AWARD BEFORE YOU TODAY, IS
21 COMBINE THE LEGAL SERVICES FOR FORECLOSURE WORK,
22 WHICH WAS THE SUBJECT OF THE COMPETITIVE BID LAST
23 MONTH, WITH THE LEGAL SERVICES FOR LOAN

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24 ORIGINATION. AND SO THAT IS WHAT THIS CONTRACT,
25 THIS SCOPE OF WORK COVERS IS -- ARE THOSE TYPES OF

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1 LEGAL SERVICES.

2 BUT IN PARTICULAR, WE'RE MERGING WITH
3 OUR TRADITIONAL LEGAL SERVICES OUTSIDE CONTRACT THE
4 FORECLOSURE WORK VERY SPECIFICALLY INTO THIS SCOPE
5 OF WORK. AND THAT WAS THE ITEM THAT WAS NOT
6 AWARDED LAST MONTH.

7 CHAIRMAN PENNINGTON: OKAY.

8 BOARD MEMBER RELIS: MR. CHAIR, I BELIEVE
9 MR. CHESBRO BRINGS UP SOME GOOD POINTS. WE DO HAVE
10 TO BE VERY CAREFUL ABOUT OUR BUDGETING AND MAKING
11 SURE THAT A CONTRACT OF \$250,000 IS WELL APPLIED TO
12 OUR TASK. BUT I WOULD NOTE THAT THE MASSING OF
13 EXPERTISE IS CRITICAL TO THIS PROGRAM, THE ABILITY
14 TO SAFEGUARD THE BOARD, ON THE DOWNSIDE TO COLLECT
15 WHEN WE HAVE FAILURES AND WORK THROUGH THE
16 LABYRINTH OF ISSUES THAT COME UP IN THESE COMPLEX
17 LOAN ARRANGEMENTS.

18 AND I THINK WE COULD EASILY LOSE
19 SIGHT OF, IN A DESIRE TO BUILD IN STAFF EXPERTISE,
20 YOU KNOW, IT'S EASY TO NOT ACCOUNT FOR THE TIME.
21 IT'S ONE THING TO HAVE A STAFF MEMBER AND THEN NOT
22 BE AWARE FULLY OF ALL THE RAMIFICATIONS OF STAFF
23 TIME TIED UP IN TRYING TO ACCOMPLISH WHAT WE'RE

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24 DOING HERE WITH OUTSIDE COUNSEL.

25 SO I FEEL STAFF HAS MADE A GOOD CASE

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1 FOR THIS POSITION AND CHECKED, I'M ASSURED BY
2 HEARING THE -- FROM COUNSEL, THAT WE HAVE SATISFIED
3 THE CONCERN OVER KEEPING A STRAIGHT CONTRACT
4 WITHOUT GOING OUT TO BID HERE. AND SO I WOULD MOVE
5 CONCURRENCE.

6 BOARD MEMBER GOTCH: I'LL SECOND.

7 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
8 MOVED AND SECONDED. ANY FURTHER DISCUSSION?

9 BOARD MEMBER CHESBRO: YES, MR. CHAIRMAN.
10 COULD I GET SOME CLARIFICATION ON WHAT PROPORTION
11 OF THE CONTRACT IS FOR THE DIFFERENT TYPES OF
12 SERVICES? IS IT SPECIFIED OR IS IT ALL JUST A
13 GENERAL POT OF MONEY?

14 MS. TRGOVCICH: IT'S NOT SPECIFIED PER
15 SE. IT'S MORE A MATTER OF WHERE THE NEED IS, WHAT
16 THE SPECIFIC COMPLEX MATTER IS THAT WE NEED TO
17 REFER. AS STAFF, WE SEEK THE LEGAL OFFICE'S
18 ASSISTANCE, AND IT WOULD BE THEIR DETERMINATION.

19 MS. TOBIAS: I'M NOT SURE UNLESS YOU HAVE
20 A MORE DEFINITIVE.

21 BOARD MEMBER CHESBRO: THERE'S SEVERAL
22 DIFFERENT ITEMS BEING FUNDED WITHIN THE CONTRACT
23 HERE, AND I'M CURIOUS WHICH PORTION OF THE
CONTRACT

24 IS EXPECTED TO GO TO WHICH OF THOSE ITEMS.

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25

MS. TRGOVCICH: IT'S REALLY GOING TO BE
43

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1 DEPENDENT UPON THE TYPE OF SERVICES REQUIRED. IF
2 WE HAVE A VERY COMPLEX MATTER THAT -- IN TERMS OF
3 AN APPLICATION THAT'S COME FORWARD AND VERY
COMPLEX

4 AGREEMENTS THAT NEED TO BE EXECUTED IN SUPPORT OF
5 THE LOAN TO BE FUNDED, PROPOSED TO BE FUNDED, THEN
6 WE WOULD SEE MONEY COMING OUT AND SUPPORTING THE
7 ORIGINATION ASPECT.

8 IF WE HAVE A VERY COMPLEX FORECLOSURE

9 SITUATION -- AS YOU WILL RECALL, WE WERE RECENTLY
10 IN BANKRUPTCY COURT BACK IN OHIO, AND IT BECAME
11 VERY INVOLVED THERE WITH SEPARATE NEGOTIATIONS AND
12 DISCUSSIONS WITH THE BORROWER ON THAT END. THEN
WE
13 WOULD BE SEEKING OUTSIDE COUNSEL ASSISTANCE IN
THAT
14 REGARD.

15 I THINK PART OF WHAT WE'RE LOOKING
AT
16 HERE IS ON AN AS-NEEDED BASIS SERVICES RENDERED.
17 THEY WILL NOT BE PERFORMING TASKS UNLESS REQUESTED
18 AND ONLY REQUESTED WHEN WE DO NOT HAVE THE
19 EXPERTISE TO ADDRESS THOSE SITUATIONS.

20 BOARD MEMBER CHESBRO: LET ME MAKE ONE

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21 FINAL COMMENT HERE, AND THAT IS THAT I WOULD LIKE
22 FOR THE LEGAL OFFICE AND THE MARKETS DIVISION TO
BE
23 MONITORING THE -- THESE ACTIVITIES WITH A MIND TO
24 BRINGING WHATEVER CAN BE BROUGHT IN-HOUSE IN TERMS
25 OF DEVELOPING EXPERTISE WITHIN THE LEGAL OFFICE

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1 THAT CAN BE ACHIEVED. AND I'M GOING TO GO AHEAD
2 AND VOTE FOR THIS, BUT I WOULD LIKE FOR US TO, ON
3 AN ONGOING BASIS, TO BE EXAMINING THOSE QUESTIONS
4 AND TRYING TO BUILD UP THE BOARD'S CAPACITY.

5 THIS GOES FOR OTHER CONTRACTS TOO
6 WHENEVER THERE'S AN OPPORTUNITY -- THIS IS MORE
7 DIRECTED TO MR. CHANDLER -- WHENEVER THERE'S AN
8 OPPORTUNITY TO USE RESOURCES TO BUILD UP STAFF
9 CAPACITY SO WE HAVE LESS CONTRACTING OUT, THEN I
10 THINK WE SHOULD TAKE ADVANTAGE OF THAT, AND THAT
11 SHOULD BE ONE OF THE THINGS WE'RE ALWAYS LOOKING AT
12 IN THE CONTRACT PROCESS.

13 MS. TOBIAS: LEGAL OFFICE IS ALWAYS OPEN
14 TO HAVING THEIR STAFF BUILT UP, MR. CHESBRO.

15 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
16 DISCUSSION? IF NOT, WE HAVE A MOTION TO APPROVE
17 THIS CONTRACT CONCEPT. SECRETARY CALL THE ROLL.

18 THE SECRETARY: BOARD MEMBER CHESBRO.

19 BOARD MEMBER CHESBRO: AYE.

20 THE SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: AYE.

22 THE SECRETARY: JONES.

23 BOARD MEMBER JONES: AYE.

24 THE SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.

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1 THE SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. MOTION
3 CARRIES.

4 WE'LL MOVE TO ITEM 6, CONSIDERATION
5 OF SPONSORING AMERICA RECYCLES DAY.

6 MR. FRITH: THANK YOU, MR. CHAIRMAN,
7 MEMBERS OF THE BOARD. FORGIVE MY VOICE. I'M
8 FIGHTING A RATHER NASTY COLD TODAY, SO WILL TRY TO
9 MAKE MYSELF COHERENT.

10 FIRST OF ALL, I'D LIKE TO ASK MS.
11 KELLY TO PASS OUT COPIES OF LETTERS ADDRESSED TO
12 YOU FROM J. MICHAEL HULLS, RECYCLING CONSULTANT, ON
13 THIS ITEM. IT CAME TO OUR FAX MACHINE IN PUBLIC
14 AFFAIRS.

15 CHAIRMAN PENNINGTON: THANK YOU.

16 MR. FRITH: BEFORE YOU TODAY IS AN ITEM
17 RECOMMENDING THAT THE BOARD APPROVE SPONSORING
18 AMERICA RECYCLES DAY. A WIDE RANGE OF INDUSTRY AND
19 ENVIRONMENTAL GROUPS ARE SPONSORING A NEW EVENT
20 THIS YEAR. THIS NATIONWIDE EFFORT IS DESIGNED TO
21 INCREASE RECYCLING AND BUY RECYCLED RATES ACROSS
22 THE COUNTRY, AS WELL AS RECAPTURING MEDIA ATTENTION

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23 AND PUBLIC AWARENESS OF RECYCLING, WASTE REDUCTION,

24 AND BUYING RECYCLED.

25 THE ORGANIZERS ARE SPONSORING EVENTS

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1 IN CALIFORNIA AND HAVE ASKED THE INTEGRATED WASTE
2 MANAGEMENT BOARD TO SUPPORT THEIR EFFORTS THROUGH A
3 VARIETY OF MEANS, INCLUDING A \$5,000 FINANCIAL
4 CONTRIBUTION. AS THE CHAIR KNOWS, ON SEPTEMBER
5 15TH, THE ADMINISTRATION COMMITTEE VOTED TWO TO ONE
6 TO SEND THIS ITEM TO THE FULL BOARD WITHOUT A
7 RECOMMENDATION AND DIRECTED STAFF TO PROVIDE
8 ADDITIONAL INFORMATION CONCERNING SPECIFIC LOCAL
9 EVENTS BEING PLANNED AND AN UPDATE ON HOW MUCH
10 OTHER BUSINESSES AND ORGANIZATIONS WERE PROVIDING.

11 ADDITIONALLY, THE COMMITTEE MEMBERS
12 INDICATED AT THE TIME THAT THE ENTIRE BOARD SHOULD
13 CONSIDER ESTABLISHING PRIORITIES FOR SPONSORSHIP.

14 WE DO HAVE SOME UPDATES FOR YOU
15 TODAY. FIRST OF ALL, AMERICA RECYCLES DAY IS A
16 NATIONWIDE EVENT. INDIVIDUAL STATE ORGANIZATIONS
17 HAVE BEEN SET UP IN 41 STATES AND THE U.S. VIRGIN
18 ISLANDS. IN MOST OF THESE STATES THE PRIMARY STATE
19 RECYCLING AGENCY IS THE LEAD ORGANIZER. IN
20 CALIFORNIA, HOWEVER, SWANA HAS TAKEN THE LEAD ROLE
21 ALONG WITH THE STEEL RECYCLING INSTITUTE AND
22 CALIFORNIANS AGAINST WASTE. BOARD MEMBER CHESBRO
23 SERVED AS A MEMBER OF THE CALIFORNIA STEERING
24 COMMITTEE.

25 THE STATE ORGANIZERS ADOPTED A

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1 PROPOSED BUDGET OF \$134,000, WITH THE LARGEST
2 PROPOSED EXPENDITURE BEING \$50,000 FOR MEDIA BUYS,
3 PRINT, TELEVISION, AND RADIO; \$25,000 IN LOCAL
4 BANNERS, SIGNS, AND PRIZES; \$13,000 TO PRINT PLEDGE
5 CARDS. AND THESE ARE CARDS IN WHICH PEOPLE PLEDGE
6 TO RECYCLE AND BUY RECYCLED, AND THEY'RE THEN
7 ENTERED INTO A CONTEST FOR A NUMBER OF PRIZES,
8 INCLUDING THE NATIONWIDE GRAND PRIZE, WHICH IS A
9 NEW HOUSE MADE FROM RECYCLED-CONTENT MATERIALS;
10 AND STATE PRIZES BEING \$10,000.

11 AS OF SEPTEMBER 22D, STATE ORGANIZERS
12 HAD RECEIVED \$25,000 IN CASH CONTRIBUTIONS, \$10,000
13 FROM 2020 RECYCLING, AND \$5,000 EACH FROM WASTE
14 MANAGEMENT INC., USA WASTE, AND TETRA PACK, THE
15 LATTER BEING A MAKER OF ASEPTIC DRINK BEVERAGE
16 CONTAINERS. ORGANIZERS HAD ALSO RECEIVED
17 APPROXIMATELY \$10,000 IN IN-KIND CONTRIBUTIONS AT
18 THAT TIME FROM SWANA AND THE CITY OF LONG BEACH AND
19 ANOTHER \$6,000 FROM THE BANK OF AMERICA.

20 THE BOARD HAS ALREADY CONTRIBUTED AN
21 IN-KIND CONTRIBUTION OF ABOUT \$1381 FOR TWO
22 MAILINGS TO RECYCLING COORDINATORS AND CURBSIDE
23 COLLECTION COORDINATORS. AT THE COMMITTEE MEETING,

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24 BOARD MEMBER JONES ASKED THAT AMOUNT, AND I
25 INDICATED IT WAS PROBABLY TWO OR \$300. I HAD

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1 FORGOTTEN THAT ONE OF THE THINGS WE SENT OUT WAS A
2 RATHER LARGE HANDBOOK, AND, OF COURSE, THE MAILING
3 COSTS WERE A LOT HIGHER FOR THAT.

4 THE ORGANIZERS HAVE INDICATED THAT
5 EACH JURISDICTION IS RESPONSIBLE FOR DETERMINING
6 WHETHER TO HOLD AN EVENT AND WHAT FORM IT SHOULD
7 TAKE. THEY INDICATED IN MID-SEPTEMBER THAT MAJOR
8 EVENTS WERE PLANNED FOR LOS ANGELES, SAN FRANCISCO,
9 SAN DIEGO, SACRAMENTO AND LONG BEACH.

10 YESTERDAY I DID TRY TO REACH THE FIVE
11 COMMUNITIES THEY MENTIONED. IN SAN FRANCISCO,
12 THE -- DAVID OSSMAN (PHONETIC), WHO IS THE
13 RECYCLING COORDINATOR, IS ON VACATION, AND HIS
14 ASSISTANT SAID THE ONLY THING SHE COULD RECALL WAS
15 THAT THEY WOULD BE DISTRIBUTING PLEDGE CARDS. AND
16 I WAS UNABLE TO REACH ANYONE IN SAN DIEGO. NEITHER
17 LOS ANGELES NOR SACRAMENTO COUNTY ARE PLANNING
18 MAJOR EVENTS. SACRAMENTO PLANS TO FOCUS ON
19 PUBLICIZING PLEDGE CARDS PERHAPS THROUGH NEWSPAPER
20 ADS IN THE BEE AND THE NEWS IN REVIEW. AND LOS
21 ANGELES PLANS TO INFORM CITY EMPLOYEES ABOUT THE
22 EVENT OR ABOUT THE AMERICA RECYCLES DAY AND
23 DISTRIBUTE PLEDGE CARDS TO THEM AND ALSO MAKE

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24 INFORMATION AVAILABLE AT A MAJOR RECYCLED ART
25 EXHIBITION IN HOLLYWOOD.

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1 ONE OF THE THINGS THEY'LL BE
2 DISTRIBUTING THERE, BY THE WAY, IS THE "TEN EASY
3 WAYS TO BUY RECYCLED" BOOKLET THAT THE BOARD
4 PRODUCED IN CONJUNCTION WITH THE DEPARTMENT OF
5 CONSERVATION.

6 BOTH JURISDICTIONS MENTIONED THEY
7 DIDN'T HAVE ENOUGH LEAD TIME THIS YEAR TO PLAN AN
8 AMERICA RECYCLES DAY EVENT AND ALSO INDICATED THAT
9 SINCE IT CAME ON THE HEELS OF SECOND CHANCE WEEK
10 THIS MONTH AND POLLUTION PREVENTION WEEK LAST
11 MONTH, THAT THEY JUST DIDN'T HAVE THE RESOURCES TO
12 DO THREE MAJOR EVENTS IN THREE MONTHS. BOTH
13 SACRAMENTO AND LOS ANGELES INDICATED THAT THEY
14 WOULD PROBABLY FOCUS MORE ATTENTION ON AMERICA
15 RECYCLES DAY NEXT YEAR IF THE EVENT IS HELD AGAIN.

16 I DID ATTEMPT TO REACH JIM COOL AND
17 SUSAN FOUNTAIN, WHO ARE SPEARHEADING THE EVENT WITH
18 THE CITY OF LONG BEACH, THIS MORNING AND WAS ENABLE
19 TO REACH THEM FOR AN UPDATE ON THE AMOUNT OF CASH
20 AND IN-KIND CONTRIBUTIONS. I UNDERSTAND THAT THE
21 BOARD MEMBERS IN SOME OF THE LETTERS OF SUPPORT
22 PROBABLY HAVE SOME MORE INFORMATION ON THAT.

23 EVEN THOUGH THE EVENT IS NOT GOING TO
24 BE PROBABLY AS WELL ORGANIZED AND ENERGETIC AS WE
25 HAD ORIGINALLY HOPED, STAFF STILL BELIEVES THAT

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1 THIS DOES FALL INTO THE STRATEGIC PLAN AND THE
2 COMMUNICATIONS PLAN APPROACH OF WORKING IN
3 PARTNERSHIP. THERE IS CLEARLY A NEED TO PROMOTE
4 RECYCLING AND BUY RECYCLING. MEDIA ATTENTION AND
5 PUBLIC AWARENESS OF THESE HAVE FALLEN OFF AS PEOPLE
6 HAVE BECOME COMFORTABLE WITH THE IDEA OF RECYCLING
7 AND, THEREFORE, IT'S NO LONGER NEWSWORTHY. AND ANY
8 HELP THAT WE CAN GET IN CONJUNCTION WITH OTHER
9 PARTNERS, WE THINK, WOULD BE BENEFICIAL TO
10 PROMOTING OUR CAUSE.

1 INCIDENTALLY, IT DOES MENTION IN YOUR
2 AGENDA ITEM THAT ONE OF THE BENEFITS OF SPONSORSHIP
3 AT THE \$5,000 LEVEL WOULD BE TO HAVE THE BOARD'S
4 LOGO PRINTED ON THE PLEDGE CARDS. THE FIRST BATCH
5 OF THOSE HAVE ALREADY BEEN PRINTED WITHOUT IT
6 NATURALLY; HOWEVER, ORGANIZERS TOLD ME THAT SHOULD
7 THE BOARD APPROVE THIS FUNDING, THAT THE SUBSEQUENT
8 HALF MILLION OR SO CARDS THAT THEY STILL HAVE TO
9 PRODUCE WILL INDEED HAVE THE BOARD'S LOGO.

20 THAT DOES CONCLUDE OUR PRESENTATION,
21 AND WE'D BE HAPPY TO ANSWER ANY QUESTIONS.

22 CHAIRMAN PENNINGTON: THANK YOU, MR.
23 FRITH. MR. YODER WOULD LIKE TO ADDRESS US ON THIS
24 ISSUE, MR. PAUL YODER FROM SWANA.

25 MR. YODER: GOOD MORNING, MR. CHAIR AND

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1 OTHER BOARD MEMBERS. I AM PAUL YODER. I REPRESENT
2 THE THREE CALIFORNIA CHAPTERS OF SWANA. I'M HERE
3 TODAY NOT JUST ON BEHALF OF THOSE THREE CHAPTERS,
4 BUT ON BEHALF OF SWANA INTERNATIONAL AND MOST
5 SPECIFICALLY THE SOUTHERN CALIFORNIA FOUNDING
6 CHAPTER OF SWANA.

7 I AM HERE TO REQUEST THAT THE BOARD
8 BECOME A COSPONSOR OF THIS IMPORTANT NATIONAL
9 EVENT. THIS IS GOING TO BE THE FIRST TIME THIS HAS
10 BEEN HELD. I THINK STAFF GAVE A VERY EXHAUSTIVE
11 REPORT OF WHAT WILL HAPPEN AND WHAT WON'T HAPPEN.
12 I THINK THE MOST IMPORTANT THING TO NOTE IS THAT
13 THIS IS THE FIRST YEAR, AND THAT WE NEED TO GET THE
14 MOMENTUM GOING IN ALL 41 STATES. WE NEED TO NEXT
15 YEAR WORK ON GETTING THE OTHER NINE STATES TO BUILD
16 THIS EVENT AND TO MAKE IT ESSENTIALLY A BOOKEND
17 PERHAPS TO EARTH DAY, WHICH IS HELD IN THE SPRING.

18 I THINK IT'S GOOD TO HAVE TWO
19 NATIONAL EVENTS THAT ARE SPACED APPROXIMATELY SIX
20 MONTHS APART TO PROMOTE RECYCLING. I THINK THIS
21 PROPOSAL DOES FIT IN WITH THE BOARD'S POLICY ON
22 EDUCATION, ON BUY RECYCLED, AND CERTAINLY ON THE
23 BOARD'S -- WITH THE BOARD'S POLICY ON MARKET

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24 DEVELOPMENT. THIS DAY WILL ABSOLUTELY REINFORCE
25 PUBLIC SUPPORT FOR RECYCLING, AND I'M JUST HERE TO

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1 URGE THE BOARD TO PARTNER WITH LOCAL GOVERNMENT, TO
2 PARTNER WITH THE PRIVATE SECTOR.

3 STAFF LISTED SOME OF THE SPONSORS.
4 THE LIST IS EXTRAORDINARILY IMPRESSIVE. I THINK
5 THE BOARD'S NAME NEEDS TO BE THERE ON THE LIST, ON
6 THE PLEDGE CARDS WITH THE OTHER SPONSORS.

7 I DON'T SEE HOW, FRANKLY, THE BOARD'S
8 MONIKER COULDN'T BE ON THAT CARD WITH THAT LIST OF
9 COSPONSORS. THE REQUEST IS FOR \$5,000. FRANKLY,
10 10,000 IS A MORE HIGH PROFILE SPONSORSHIP.
11 CERTAINLY URGE THAT, BUT WOULD BE HAPPY WITH A
12 \$5,000 CONTRIBUTION. BE HAPPY TO ANSWER ANY
13 QUESTIONS YOU MAY HAVE, AND I THANK YOU FOR YOUR
14 TIME.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.
16 YODER?

17 BOARD MEMBER RELIS: MR. CHAIR, I'D JUST
18 LIKE TO ASK MR. YODER. WHAT SPECIFICALLY WILL
19 SWANA -- WHAT DO YOU ENVISION SWANA'S ROLE IN THE
20 DAY TO BE? WHAT ACTIVITIES ARE YOU PLANNING?

21 MR. YODER: SWANA'S ROLE IN THE DAY IS --
22 I MEAN THE BULL HAS REALLY BEEN TAKEN BY THE HORNS
23 BY JIM COOL, WHO'S THE PRESIDENT OF THE SOUTHERN

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24 CALIFORNIA CHAPTER. AND HE IS -- I WOULD SAY THAT
25 ASIDE FROM THE PARTICIPATION BY SWANA MEMBERS IN

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1 THE JURISDICTIONS LISTED BY STAFF, THAT THE MAJOR
2 CONTRIBUTION THIS YEAR WILL BE BY MR. COOL AND THE
3 FOLKS THAT HE'S ENLISTED DOWN IN SOUTHERN
4 CALIFORNIA.

5 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS
6 OF MR. YODER? I JUST HAVE ONE. WHAT OTHER STATE
7 DEPARTMENTS ARE INVOLVED?

8 MR. YODER: I'M NOT AWARE OF ANY OTHER
9 STATE DEPARTMENTS BEING INVOLVED.

10 CHAIRMAN PENNINGTON: SO WE'RE THE ONLY
11 ONE.

12 MR. YODER: LIST OF SPONSORS RANGES FROM
13 THE LARGE MULTINATIONAL HAULERS TO THE ENVIRON-
14 MENTAL DEFENSE FUND AND SO ON.

15 MR. FRITH: IT'S OUR UNDERSTANDING THAT
16 THE DEPARTMENT OF CONSERVATION DID DECLINE TO
17 CONTRIBUTE TO THIS YEARS'S EVENT.

18 MR. YODER: YET ANOTHER OPPORTUNITY TO
19 DISTINGUISH YOURSELVES FROM THAT OTHER STATE
20 DEPARTMENT.

21 BOARD MEMBER CHESBRO: IT WAS MY
22 UNDERSTANDING, HOWEVER, IN SO DOING THAT FOR THE
23 FIRST TIME SINCE THIS BOARD HAS BEEN IN EXISTENCE
24 THAT I KNOW OF THEY SAID, "OH, THOSE PEOPLE ARE
25 RESPONSIBLE FOR THE GENERAL WASTESTREAM. WE'RE

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1 ONLY RESPONSIBLE FOR BEVERAGE CONTAINERS. SO SINCE
2 IT'S NOT SPECIFIC TO BEVERAGE CONTAINERS, WE'LL LET
3 THEM HANDLE IT THIS YEAR," WHICH WAS A BIT OF A
4 SWITCH CERTAINLY IN TERMS OF THE EARTH FAIR, FOR
5 EXAMPLE, DOWN AT THE CAPITOL.

6 MR. CHAIRMAN, I WAS ABLE, THROUGH MY
7 LEVEL OF ACTIVITY I'VE EXERTED ON THIS, TO GET THE
8 BOARD'S NAME AT LEAST ON THE EXECUTIVE COMMITTEE,
9 SO OUR NAME HAS APPEARED AT NO COST TO DATE. I
10 WOULD SAY THAT \$5,000 IS A RELATIVELY SMALL
11 CONTRIBUTION TO A MUCH LARGER PRIMARILY PRIVATE
12 SECTOR FUNDED ACTIVITY WHICH I THINK WE SHOULD BE
13 PARTNERING ON, SHOWING STATE SUPPORT FOR, AGAIN AT
14 A SMALL LEVEL, BUT ONE THAT WILL SHOW THAT WE
15 ENCOURAGE THE PRIVATE SECTOR TO STEP FORWARD AS
16 THEY ARE IN DEVELOPING THIS.

17 AND IT ALSO -- WE CONTINUALLY HEAR
18 FROM -- AT THE LOCAL LEVEL WHAT IS THE BOARD DOING
19 IN TERMS OF THIS OVERALL STATE AND NATIONAL EFFORT
20 TO DRIVE THE MARKETS? AND I THINK DEVELOPING A
21 NATIONAL BUY RECYCLED THEME IS A MAJOR CONTRIBUTION
22 TO ANSWERING THE QUESTION BY CITIES AND COUNTIES
23 ABOUT WHAT THE BOARD IS DOING.

24 AND SO I WOULD MOVE THAT WE AUTHORIZE
25 THE \$5,000 EXPENDITURE FOR AMERICA RECYCLES DAY.

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1 BOARD MEMBER GOTCH: I'LL SECOND. I HAVE
2 A COUPLE OF COMMENTS TO MAKE IF I MAY ALSO.

3 CHAIRMAN PENNINGTON: CERTAINLY, MRS.
4 GOTCH.

5 BOARD MEMBER GOTCH: AS A MEMBER OF THE
6 ADMIN COMMITTEE, I UNDERSTAND OUR NEED FOR FISCAL
7 PRUDENCE; HOWEVER, IN THIS CASE THE NEED TO GET THE
8 MESSAGE OUT, PARTICULARLY IN THIS NATIONWIDE
9 EFFORT, OUTWEIGHS THE \$5,000 PRICE TAG. THIS IS A
10 GREAT OPPORTUNITY FOR BOARD PROMOTION AND TO EXPAND
11 OUR PARTNERSHIP INFRASTRUCTURE. WHAT KIND OF
12 MESSAGE ARE WE SHOWING BY NOT PARTICIPATING?

13 SECONDLY, MOST OF THE LOCAL EVENTS
14 FEATURING THE KEEP RECYCLING WORKING, BUY RECYCLED
15 MESSAGE WILL TARGET THE USE OF REREFINED MOTOR OIL
16 AS A KEY ACTIVITY. AND THIS IS PER THE LETTER SENT
17 BY THE AMERICAN OCEANS CAMPAIGN, WHICH WE ALL
18 RECEIVED COPIES OF. GIVEN THIS USE OF FUNDING,
19 SHOULDN'T WE BE THINKING OF EITHER SPLITTING OR
20 SOLELY FUNDING THIS ITEM FROM USED OIL DOLLARS AS
21 OPPOSED TO SIMPLY USING THE IWMA DOLLARS?

22 AND AS I STATED IN COMMITTEE AND AS
23 ALSO STATED QUITE WELL IN THE BOARD AGENDA PIECE, I

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24 SEE THIS AS A VERY LOW COST WAY TO HELP EDUCATE
25 CALIFORNIANS ABOUT THE IMPORTANCE OF RECYCLING AND

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1 BUYING RECYCLED.

2 CHAIRMAN PENNINGTON: OKAY.

3 BOARD MEMBER RELIS: MR. CHAIR, I'M GOING
4 TO SUPPORT THE ALLOCATION. I DO HAVE A FEW
5 THOUGHTS.

6 FIRST, I AM IMPRESSED BY THE DEGREE
7 OF SPONSORSHIP, AND I'M HAPPY TO SEE SWANA VERY
8 ACTIVE IN THIS. I'M ASSUMING, JOHN, THAT THE
9 NUMBERS HERE, THAT THESE ARE COMMITMENTS, THAT THIS
10 ISN'T JUST A PLEDGE OR SOME CONCEPTUAL --

11 MR. FRITH: NO, THE NUMBERS THAT WE READ
12 OFF ARE REAL NUMBERS, AT LEAST ACCORDING TO MR.
13 COOL, THAT HAD ACTUALLY BEEN CONTRIBUTED.

14 BOARD MEMBER RELIS: BUT I DO THINK, IN
15 SPITE OF MY DESIRE TO SUPPORT THIS, THE PROCESS
16 HERE HAS BEEN LESS THAN ADEQUATE. AND I WOULD HOPE
17 THAT WE WOULD DEFINE FROM THIS A FORMAL PROCESS FOR
18 ENDORSEMENTS BECAUSE, WHILE MR. CHESBRO HAS RAISED
19 THE POINT THAT THERE'S ENDORSEMENT -- WE GOT A FREE
20 ENDORSEMENT -- THE BOARD DID NOT ACT ON THAT.

21 AND I THINK IF WE'RE GOING TO BE
22 ENDORING SOMETHING, WE SHOULD FORMALLY GO THROUGH
23 A PROCESS OF PLEDGES OR COMMITMENTS OF 5,000. IT'S
24 A SMALL AMOUNT OF MONEY, BUT STILL WE NEED TO BRING
25 THESE ISSUES INTO A PROCESS FRAMEWORK. AND

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1 DEPENDING ON THE VOTE, I'D LIKE TO SEE THAT WE HAVE
2 AN ITEM AGENDIZED AT THE ADMIN COMMITTEE TO DEAL
3 SPECIFICALLY WITH ENDORSEMENTS OF THIS TYPE SO THAT
4 WE CAN FORMALLY PROCESS THESE AND NOT DO IT IN AN
5 AD HOC FASHION.

6 I ONLY RECEIVED UPDATED INFORMATION
7 IN THE LAST DAY OR TWO. I WAS NOT APPROACHED
8 DIRECTLY OTHER THAN THROUGH A LETTER BY MR. COOL ON
9 THIS. AND GIVEN THE BROAD RANGE OF SPONSORSHIP AND
10 ENTHUSIASM BEHIND IT, I EXPECTED TO GET MORE DIRECT
11 CONTACT. SO THOSE ARE MY THOUGHTS ON IT.

12 BOARD MEMBER JONES: MR. CHAIRMAN.

13 CHAIRMAN PENNINGTON: YES, SIR, MR. JONES.

14 BOARD MEMBER JONES: YOU KNOW, I HAVE -- I
15 WEAR TWO HATS, I THINK, WHEN I LOOK AT AN ITEM LIKE
16 THIS. I SIT ON THE ADMIN COMMITTEE. I THINK I
17 BRING SOME FISCAL RESPONSIBILITY TO DECISION-
18 MAKING. I ALSO COME FROM AN INDUSTRY THAT RELIES
19 ON ITEMS GOING FULL CIRCLE AND BEING A BUY
20 RECYCLING CAMPAIGN.

21 BUT MY QUESTIONS DURING THE COMMITTEE
22 MEETING DEALT WITH -- THEY HAD \$134,000 BUDGET.
23 NOW THEY'RE AT SOMEWHERE AROUND \$25,000. IN

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24 HEARING THE ITEM, CITY OF SAN FRANCISCO RECYCLING
25 COORDINATORS THOUGHT THEY HAD HEARD SOMETHING ABOUT
58

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1 IT. CITY OF L.A. IS GOING TO GIVE IT TO THEIR
2 EMPLOYEES, I MEAN PLEDGE CARDS.

3 I WOULD -- I WANT TO SEE THAT WE --
4 THAT WE SPEND OUR MONEY WISELY. AND I HAVE A
5 PROBLEM -- I DON'T HAVE A PROBLEM WITH ENDORSING
6 BUY RECYCLE. IT WOULD BE SACRILEGIOUS IF I DIDN'T
7 ENDORSE BUY RECYCLED, BUT I ALSO HAVE A PROBLEM
8 WITH JUST SPENDING \$5,000 TO SPEND \$5,000. I JUST
9 DON'T UNDERSTAND IF -- WHY WE DON'T HAVE -- WE
10 DON'T HAVE A CONTRACT CONCEPT ON DOLLARS.

11 I KNOW IN THE SHORT TIME I'VE BEEN
12 HERE CRRA CAME IN FOR MONEY. FIVE OR SIX REQUESTS
13 THAT I'VE HEARD OF SO FAR HAVE COME IN FOR MONEY,
14 AND WE DON'T GIVE MONEY, BUT TODAY WE'RE GOING
15 TO -- YOU KNOW, THERE'S A MOTION ON THE FLOOR TO
16 GIVE MONEY.

17 I WOULD LIKE TWO THINGS TO HAPPEN. I
18 WOULD LIKE A POLICY ITEM COMING TO ADMIN TO
19 DETERMINE HOW WE'RE GOING TO LOOK AT THESE TYPES OF
20 REQUESTS. AND I WOULD LIKE -- I DON'T KNOW IF
21 THERE'S ENOUGH TIME. WE'RE NOT GOING TO HEAR
22 CONTRACT CONCEPTS FOR A COUPLE OF WEEKS. IF THERE
23 IS A WAY THAT WE CAN AT LEAST PUT A MARKER IN THE
24 BOOK ON THESE TYPES OF ITEMS. WE DON'T HAVE
25 ANYTHING.

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1 SO MY QUESTION IS IF WE SPEND \$5,000
2 ON THIS, WHICH IS PRETTY INSIGNIFICANT WHEN YOU
3 LOOK AT THE NATIONAL DOLLARS, WHERE WE GOING TO GET
4 IT FROM? YOU KNOW, SOMETHING ELSE IS GOING TO HAVE
5 TO BE ELIMINATED.

6 I DON'T THINK THAT'S THE WAY THAT YOU
7 DO BUSINESS. I THINK THE WAY YOU DO BUSINESS IS
8 YOU HAVE A MARKER AND YOU HOLD IT AND YOU SAY WE'LL
9 ALLOCATE THROUGH THAT. AND IT'S HARD GETTING
10 SOMETHING OFF THE GROUND THE FIRST TIME. WE SPENT
11 \$1381 IN IN-KIND SERVICES. I THINK IF WE NEED TO
12 SPEND SOME MORE MONEY IN IN-KIND SERVICES, WE
13 SHOULD DO THAT, BUT I CAN'T ENDORSE SPENDING \$5,000
14 ON THIS THING.

15 WITH THE CONDITION THAT THESE TWO
16 ITEMS ARE THERE -- YOU KNOW, I MEAN I WANT TO MAKE
17 SURE THAT WE HAVE A CONTRACT CONCEPT AND THAT WE
18 HAVE A POLICY SO THAT WHEN THIS COMES BACK NEXT
19 YEAR FOR THE SECOND AMERICA RECYCLES DAY, THERE IS
20 A BUDGET ITEM THAT WE CAN DRAW THOSE DOLLARS FROM.
21 AND THAT IS GOING TO MAKE MY LIFE A LOT EASIER
22 BECAUSE I DON'T LIKE TELLING MY INDUSTRY THAT
23 BECAUSE WE DON'T HAVE A PROCESS, I CAN'T ENDORSE

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24 IT, BUT THAT'S WHERE I'M COMING FROM.

25 CHAIRMAN PENNINGTON: LET ME JUST MAKE A
60

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1 COUPLE OF COMMENTS TOO. AND I CERTAINLY AGREE WITH
2 BOTH MR. RELIS AND MR. JONES, THAT A POLICY ITEM ON
3 ENDORSEMENT SHOULD BE TAKEN FORWARD. AND I THINK
4 THAT THIS IS AN ITEM THAT WE WILL CERTAINLY BRING
5 TO THE ADMIN COMMITTEE, WHICH YOU SERVE ON TOO.

6 AND I THINK IT IS TRUE THAT WE DO
7 NEED TO KNOW WHERE WE'RE GOING TO SPEND OUR MONEY
8 ON THESE KINDS OF THINGS. THE SECOND POINT, I
9 THINK, AND I AGREE WITH MR. JONES, THAT WE DO NEED
10 AN ITEM, A BUDGET ITEM, EVERY YEAR SET ASIDE SOME
11 MONEY TO MAKE THESE KINDS OF CONTRIBUTIONS TO
12 WORTHY THINGS. I THINK THAT BUYING RECYCLED IS
13 CERTAINLY AT THE HEART OF WHAT WE DO HERE AND WHAT
14 WE'RE ASKING THE PUBLIC AND INDUSTRY AND THE
15 PRIVATE -- I MEAN THE PUBLIC SECTOR TO DO, AND I
16 THINK WE CERTAINLY SHOULD PROMOTE THAT.

17 BUT WE CANNOT OPERATE ON, GEE, WE'VE
18 GOT \$5 IN OUR POCKET SO LET'S SPEND IT. WE NEED TO
19 OPERATE WITHIN THE BUDGET, AND WE NEED TO OPERATE
20 KNOWING THAT WE'VE GOT SO MUCH MONEY THAT WE'RE
21 GOING TO HAND OUT IF WE'RE GOING TO HAND OUT.

22 I FEEL THAT WHILE IT'S VERY LAUDABLE,
23 I THINK THAT WE NEED TO PUT THOSE TWO THINGS IN
24 PLACE. AND WE HAVE SPENT IN-KIND SERVICES, AND I
25 WOULD BE PREPARED FOR US TO SPEND SOME MORE IN

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1 IN-KIND SERVICES. SO I'M GOING TO HAVE TO OPPOSE
2 THE MOTION.

3 BOARD MEMBER GOTCH: MR. CHAIR, I HAVE
4 ANOTHER COUPLE OF COMMENTS. I'M GLAD TO HEAR
5 COUPLE OF YOU BRING UP WHAT I HAD BROUGHT UP IN
6 COMMITTEE WHEN WE FIRST DISCUSSED THIS, AND THAT
7 WAS TO HAVE A LINE ITEM IN THE BUDGET FOR FUTURE
8 ISSUES SUCH AS THIS.

9 ALSO, I'D LIKE TO REMIND YOU THE
10 COMMENT THAT I JUST MADE, WHICH WAS THE TARGETING
11 REREFINED MOTOR OIL AS A KEY ACTIVITY, AND I'D LIKE
12 TO ASK MR. CHANDLER, GIVEN THIS, IF THERE'S THE
13 POSSIBILITY OF SPLITTING THE FUNDING AND USING SOME
14 USED OIL MONEY IN THIS.

15 MR. CHANDLER: SURE, IT COULD BE FUNDED BY
16 IWMA; IT COULD BE FUNDED BY USED OIL. IF THERE'S
17 USED OIL ACTIVITIES, I DON'T SEE ANY PROBLEM IN A
18 SPLIT FUNDING APPROACH.

19 BOARD MEMBER GOTCH: PERHAPS THIS WOULD
20 MAKE MY FELLOW BOARD MEMBERS A LITTLE BIT MORE
21 COMFORTABLE AS FAR AS THE FUNDING GOES.

22 CHAIRMAN PENNINGTON: I THINK IT COMES
23 BACK TO THIS, "GEE, WE'VE GOT IT IN THIS POCKET, SO
24 LET'S JUST TAKE IT OUT OF THERE." WE HAVEN'T
25 PLANNED FOR THAT. JUST LIKE WE DO WITH OUR OWN

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1 PERSONAL FUNDING, JUST BECAUSE YOU HAVE A FEW BUCKS
2 IN YOUR POCKET DOESN'T MEAN YOU NEED TO SPEND IT.

3 BOARD MEMBER GOTCH: I AGREE WITH YOU.

4 CHAIRMAN PENNINGTON: WE HAVE NOT PLANNED
5 ON THIS. IN OUR 1997-98 BUDGET, WE SHOULD PUT A
6 LINE ITEM IN IT NEXT YEAR. AND MAYBE IF WE WANT,
7 THEN WE CAN GIVE THEM \$10,000 NEXT YEAR, BUT WE'VE
8 PLANNED ON IT. WE HAVE MADE THIS DECISION, AND WE
9 HAVE A POLICY SO THAT THE NEXT GUY THAT COMES UP TO
10 THE WINDOW AND SAYS, "GEE, I NEED 5,000," WE CAN
11 SAY, "HERE'S THE POLICY. HERE'S WHAT YOU HAVE TO
12 DO TO GET YOUR MONEY."

13 BOARD MEMBER GOTCH: AND I AGREE WITH YOU
14 ON THAT.

15 BOARD MEMBER CHESBRO: MR. CHAIRMAN, ONE
16 OF THE ADVANTAGES, I GUESS, OR DISADVANTAGES OF
17 BEING ON THE BOARD LONGEST IS YOU START LISTENING
18 TO THINGS THAT ARE SORT OF BROKEN RECORDS, YOU
19 KNOW. WE'VE BEEN THROUGH THIS PROCESS SO MANY
20 TIMES -- NOT RECENTLY. IT'S BEEN MAYBE A COUPLE
21 YEARS BECAUSE THE BOARD AT SOME POINT DECIDED NOT
22 TO DO SPONSORSHIPS. WE DID DELEGATE AT ONE POINT
23 TO THE EXECUTIVE DIRECTOR THE ABILITY FOR SMALL

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24 AMOUNTS IF THERE WAS A CONSENSUS TO MOVE FORWARD.

25 AND FRANKLY, ONE OF THE REASONS -- I

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1 THINK WE ALL RECEIVED LETTERS, I ASSUME WE DID,
2 FROM AMERICA RECYCLES. I HAPPENED TO STEP UP AND
3 CALL THEM UP AND SAY WHAT CAN I DO FOR YOU? I
4 LOOKED AT THE LIST OF SPONSORS AND SAID, "GEE, BANK
5 OF AMERICA, BFI, SWANA, NATIONAL SWANA, THE STEEL
6 RECYCLING INSTITUTE," AND SAID "\$5,000 IN THE TOTAL
7 SCHEME OF THINGS IS A PITTANCE," AND SO I HANDED IT
8 OFF TO MR. CHANDLER AND SAID, "CHECK WITH THE OTHER
9 BOARD MEMBERS AND SEE WHAT'S POSSIBLE."

10 I JUST THINK WE'RE BEING PENNY WISE
11 AND POUND FOOLISH. WE'RE MISSING IN ACTION AT THE
12 NATIONAL LEVEL. WE HAVE LANGUAGE IN OUR STRATEGIC
13 PLAN WHICH SAYS WE'RE GOING TO BE A NATIONAL/
14 INTERNATIONAL LEADER, AND YET YOU GO TO THE
15 NATIONAL RECYCLING CONGRESS, ATTENDED BY THREE,
16 4,000 DELEGATES FROM AROUND THE COUNTRY, STATES
17 ONE-TENTH OUR SIZE HAVE 50, 60 PEOPLE THERE

BECAUSE

18 THEY REALIZE THAT THAT'S THE PLACE THAT THEY BOTH
19 HIGHLIGHT THEIR OWN PROGRAMS AND GAIN ALL KINDS
20 OF
21 INFORMATION BACK. WE HAVE AN AGENCY THAT
22 AUTHORIZES TWO PEOPLE TO GO EVEN WHEN THE
CONGRESS,

22 LIKE TWO YEARS AGO WAS IN PORTLAND, AND WE SHOULD

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23 HAVE HAD, YOU KNOW, 50 PEOPLE THERE.

24 I'M SURE WE WOULD HAVE HAD THAT
MANY

25 STAFF PEOPLE WHO WOULD HAVE RIDDEN IN VANS AND

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1 SHARED MOTEL ROOMS IN ORDER TO GO TO A NATIONAL
2 CONFERENCE, BUT WE CONTINUE TO PINCH PENNIES AND
3 PUT THE LIE TO OUR ACTUAL COMMITMENT TO BEING A
4 NATIONAL AND INTERNATIONAL LEADER AND BEING
5 PRESENT. WE'RE MISSING IN ACTION BASICALLY AT THE
6 NATIONAL LEVEL. WE'RE SO FOCUSED ON ALL OF OUR
7 INTERNAL REGULATORY AFFAIRS AND OUR NEED TO DO THIS
8 SPECIFIC MANDATE OR THAT SPECIFIC MANDATE, AND THEN
9 WE SPEND, YOU KNOW, HALF AN HOUR DEBATING \$5,000,
10 FOR GOD SAKE, AT THE MONTHLY MEETING OF THE WASTE
11 BOARD. AND IT JUST SEEMS TO ME THAT WE'RE
12 COMPLETELY MISSING THE BOAT.

13 AND, YOU KNOW, I DON'T WANT TO DO
14 ANYTHING THAT THE MAJORITY OF THE BOARD DOESN'T
15 SUPPORT; AND IF THE BOARD DOESN'T SUPPORT IT, THEN
16 WE WON'T DO IT. BUT I NEVER IMAGINED WHEN I HANDED
17 IT OFF TO MR. CHANDLER THAT THERE WOULD BE ANY
18 CONTROVERSY AROUND \$5,000 FOR COSPONSORSHIP WITH
19 THE NATIONAL BUSINESS LEADERS IN THE SOLID WASTE
20 INDUSTRY, NATIONAL LEADERS LIKE BANK OF AMERICA,
21 WHO HAD LED THE CHARGE FOR BUY RECYCLED, THAT
22 THERE
22 WOULD BE ANY QUESTION.

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23 SO I'M SORRY IF I DIDN'T ANTICIPATE.

24 MAYBE I SHOULD LEARN FROM PAST DISCUSSIONS, THESE

25 CYCLICAL DISCUSSIONS, THAT WE MANAGE TO -- I'M

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1 MIXING MY METAPHORS HERE -- BUT MAKE A
2 MOUNTAIN OUT OF A MOLEHILL, OR WE JUST MANAGE TO
3 TURN VERY MINOR REQUESTS INTO CONTROVERSIES THAT
4 ARE UNBELIEVABLE TO ME.

5 CHAIRMAN PENNINGTON: I THINK THAT'S WHY
6 WE SAY WE NEED A POLICY HOW TO DO THIS AND HOW TO
7 DO IT IN A FAIR MANNER. YOU ARE RIGHT. IT'S ONLY
8 \$5,000, BUT 5,000 HERE AND 10,000 THERE AND FIVE
9 OVER HERE, IT BEGINS TO GET TO BE REAL MONEY. IF
10 WE DON'T HAVE A WAY IN WHICH WE DO IT PROPERLY,
11 THAT'S EXACTLY WHAT HAPPENS.

12 BOARD MEMBER CHESBRO: FOR THE RECORD, I'M
13 IN FAVOR OF US COSPONSORING THE CRRA CONFERENCE,
14 THE MAJOR STATEWIDE CONFERENCE OF PEOPLE WHO ARE
15 OUT THERE ACHIEVING WHAT WE'RE SUPPOSED TO BE
16 SUPPORTING. I SUPPORT ACTIVE ATTENDANCE AND
17 PARTICIPATION BY OUR STAFF AT THE NATIONAL
18 RECYCLING CONGRESS, AND I THINK IT'S REALLY TRAGIC
19 THAT WE -- YOU KNOW, WE DON'T HAVE A POLICY. THE
20 BOARD HAS SAID, WHEN WE'VE HAD PROPOSALS BEFORE,
21 LET'S HAVE A POLICY NEXT YEAR. WE NEVER HAVE A
22 POLICY. WE NEVER WIND UP CONTRIBUTING AND WIND UP
23 BEING MISSING IN ACTION WHEN WE, IN FACT, HAVE AS

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24 OUR MISSION BEING A NATIONAL, INTERNATIONAL LEADER

25 IN THE DIVERSION OF WASTE, AND IT'S A BIG

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1 DISAPPOINTMENT TO ME AS ONE BOARD MEMBER.

2 CHAIRMAN PENNINGTON: IT IS TO ME TOO, BUT
3 SO IS THE \$4 MILLION DEFICIT WE'RE FACED WITH.

4 BOARD MEMBER CHESBRO: IT WON'T BE SOLVED
5 \$5,000 AT A TIME, I CAN TELL YOU THAT.

6 CHAIRMAN PENNINGTON: NO, IT WON'T, BUT IT
7 WON'T GO AWAY IF WE GIVE AWAY \$5,000 AT A TIME TOO.
8 IT'S A REALITY.

9 ANY OTHER DISCUSSION? IF NOT, WILL
10 THE SECRETARY CALL THE ROLL.

11 THE SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 THE SECRETARY: GOTCH.

14 BOARD MEMBER GOTCH: AYE.

15 THE SECRETARY: JONES.

16 BOARD MEMBER JONES: NO.

17 THE SECRETARY: RELIS.

18 BOARD MEMBER RELIS: AYE.

19 THE SECRETARY: CHAIRMAN PENNINGTON.

20 CHAIRMAN PENNINGTON: NO. MOTION FAILS.

21 BOARD MEMBER JONES: MR. CHAIRMAN, BEING A
22 NEW BOARD MEMBER AND NOT BEING AROUND WHEN ALL
23 THESE OTHER DISCUSSIONS, I DON'T KNOW WHO I TELL,
24 BUT I WANT THE TWO ITEMS AT WHATEVER THE
25 APPROPRIATE COMMITTEES ARE AS QUICKLY AS POSSIBLE.

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1 CHAIRMAN PENNINGTON: WE WILL SCHEDULE IT
2 FOR THE ADMIN COMMITTEE.

3 BOARD MEMBER JONES: BECAUSE I WASN'T
4 AROUND FOR ALL THOSE OTHER DISCUSSIONS THAT
5 HAPPENED, AND I DON'T HAVE A PROBLEM WITH SOLVING
6 THIS THING, BUT I THINK WE HAVE TO HAVE A POLICY.

7 CHAIRMAN PENNINGTON: I TOTALLY AGREE WITH
8 YOU, AND WE WILL SCHEDULE IT FOR ACTION ON THE
9 ADMIN COMMITTEE.

10 ITEM 31, CONSIDERATION OF ADOPTION OF
11 MITIGATED NEGATIVE DECLARATION FOR THE CITY OF EL
12 PASO DE ROBLES LANDFILL IN SAN LUIS OBISPO COUNTY.
13 DOROTHY RICE.

14 MS. RICE: THANK YOU, MR. CHAIRMAN AND
15 MEMBERS. BOB HOLMES WILL MAKE THE PRESENTATION FOR
16 STAFF.

17 MR. HOLMES: GOOD MORNING, MR. CHAIRMAN
18 AND MEMBERS OF THE BOARD. THE BOARD BECAME THE
19 ENFORCEMENT AGENCY FOR THE CITY OF EL PASO DE
20 ROBLES IN OCTOBER 1995. IN JANUARY OF 1996, THE
21 BOARD CONSIDERED A REVISED SOLID WASTE FACILITIES
22 PERMIT FOR THE PASO ROBLES LANDFILL. THE BOARD
23 DECIDED NOT TO RELY ON A CEQA DOCUMENT PREPARED IN

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24 SUPPORT OF THE SOLID WASTE FACILITIES PERMIT AND

25 ASSUMED THE ROLE OF LEAD AGENCY UNDER CEQA AND

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1 DIRECTED STAFF TO PREPARE AN INITIAL STUDY.

2 THE BOARD'S CONTRACT CONSULTANT,
3 JONES & STOKES ASSOCIATES, COMPLETED THE INITIAL
4 STUDY IN MARCH 1997. THE INITIAL STUDY IDENTIFIED
5 ONE POTENTIAL SIGNIFICANT ENVIRONMENTAL EFFECT TO
6 AIR QUALITY. THE CITY WILL MITIGATE BY INSTALLING
7 BEST AVAILABLE CONTROL TECHNOLOGY ON ON-SITE
8 LANDFILL EQUIPMENT.

9 THE INITIAL STUDY ALSO IDENTIFIED A
10 POTENTIAL, BUT LESS THAN SIGNIFICANT IMPACT TO
11 TRAFFIC SAFETY DUE TO SLOW MOVING VEHICLES LEAVING
12 THE LANDFILL.

13 BOARD STAFF RECEIVED TWO SETS OF
14 COMMENTS ON THE INITIAL STUDY, ONE FROM THE SAN
15 LUIS OBISPO AIR POLLUTION CONTROL DISTRICT
16 REGARDING THE AIR QUALITY ANALYSIS. THE APCD IS
17 PLEASED WITH THE ANALYSIS.

18 THE PERMITTING AND ENFORCEMENT
19 COMMITTEE HEARD THIS ITEM IN JULY 1997 BEFORE
20 RECEIPT OF COMMENTS FROM CALTRANS. CALTRANS
21 COMMENTS EXPRESSED CONCERNS WITH THE TRAFFIC
22 ANALYSIS. ONE CONCERN STEMMED FROM THE METHODOLOGY
23 USED TO ANALYZE ONE OF THE INTERSECTIONS. THE
24 BOARD'S CONSULTANT REANALYZED THE INTERSECTION
25 USING THE APPROPRIATE METHODOLOGY.

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1 THE ORIGINAL FINDING THAT TRAFFIC AT
2 THE INTERSECTION WOULD POSE A LESS THAN SIGNIFICANT
3 IMPACT WAS NOT CHANGED BY THE REANALYSIS.

4 CALTRANS OTHER CONCERN WAS WITH THE
5 SLOW MOVING VEHICLES EXITING THE LANDFILL.
6 ALTHOUGH NOT REQUIRED AS A MITIGATION MEASURE UNDER
7 CEQA, THE CITY HAS AGREED TO COORDINATE WITH
8 CALTRANS ON THE INSTALLATION OF A WESTBOUND MERGE
9 LANE AT SUCH FUTURE TIME IF AND WHEN A DAILY
10 AVERAGE OF FIVE OR MORE LONG-HAUL TRANSFER TRUCKS
11 ARE USING THE LANDFILL.

12 CALTRANS WAS PROVIDED THE STAFF
13 REPORT; AND AS OF THIS MORNING, WE HAVE RECEIVED NO
14 FEEDBACK OR COMMENTS FROM THEM.

15 IN CONCLUSION, STAFF RECOMMENDS THE
16 BOARD ADOPT THE MITIGATED NEGATIVE DECLARATION BY
17 RESOLUTION 97-246. IRIS YANG AND JOHN MCCARTHY
18 FROM THE CITY ARE IN THE AUDIENCE IF YOU HAVE
19 QUESTIONS. THAT CONCLUDES MY REPORT.

20 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?
21 DO YOU WANT TO HEAR FROM MR. YANG. I'M SORRY.

22 MS. YANG: JUST HERE IF YOU HAVE ANY
23 QUESTIONS.

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24 BOARD MEMBER JONES: MR. CHAIRMAN, MAKE A
25 MOTION THAT WE ACCEPT RESOLUTION NO. 97-246.

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1 BOARD MEMBER GOTCH: I'LL SECOND.

2 CHAIRMAN PENNINGTON: OKAY. IF THERE'S --
3 ANY FURTHER DISCUSSION? IF THERE'S NO FURTHER
4 DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

5 THE SECRETARY: BOARD MEMBER CHESBRO.

6 BOARD MEMBER CHESBRO: AYE.

7 THE SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 THE SECRETARY: JONES.

10 BOARD MEMBER JONES: AYE.

11 THE SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 THE SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION
15 CARRIES.

16 MOVE TO ITEM 32, WHICH IS CONSIDERA-
17 TION OF CONCURRENCE IN THE ISSUANCE OF A REVISED
18 SOLID WASTE FACILITY PERMIT FOR THE CITY OF EL PASO
19 DE ROBLES LANDFILL IN SAN LUIS OBISPO COUNTY.

20 MS. RICE: BOB HOLMES AGAIN WILL MAKE THE
21 PRESENTATION. THANK YOU.

22 MR. HOLMES: IF IT PLEASES THE BOARD, THE
23 CEQA DOCUMENT WAS THE LAST REMAINING ITEM FOR THAT,
24 SO I'LL JUST QUICKLY GO OVER THE CHANGE THE PERMIT
25 WILL MAKE. THE CHANGE IN TONNAGE WILL BE FROM A

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1 70-TON-PER-DAY AVERAGE FROM A 1986 PERMIT. THERE'S
2 A NOTICE AND ORDER IN PLACE THAT ALLOWS A STATUS
3 QUO OF 90 TONS PER DAY WITH A PEAK OF 250 TONS.
4 THE PERMIT WILL CHANGE THE PERMITTED TONNAGE TO
5 69,000 TONS ANNUALLY, WHICH IS APPROXIMATELY A
6 190-TON-PER-DAY AVERAGE AND WITH THE SAME 250-TON-
7 PER-DAY PEAK.

8 THE ELEVATION WILL INCREASE SLIGHTLY
9 FROM 1140 FEET MEAN SEE LEVEL TO 1226 MEAN SEA
10 LEVEL, AND A CHANGE IN OPERATION FROM A TRENCH AND
11 FILL TO A MASS FILL TO ALLOW FOR INSTALLATION OF
12 LINER AND LEACHATE COLLECTION.

13 IN CONCLUSION, STAFF FIND THE
14 PROPOSED SOLID WASTE FACILITY PERMIT AND SUPPORTING
15 DOCUMENTATION ARE ACCEPTABLE FOR THE BOARD'S
16 CONSIDERATION OF CONCURRENCE. STAFF RECOMMENDS THE
17 BOARD ADOPT PERMIT DECISION 97-414, CONCURRING IN
18 THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.
19 40-AA-0001. THAT CONCLUDES MY PRESENTATION.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
21 STAFF OR MS. YANG?

22 BOARD MEMBER RELIS: MR. CHAIR, I'LL
MOVE

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23 CONCURRENCE, PERMIT DECISION 97-414.

24 BOARD MEMBER JONES: SECOND.

25 CHAIRMAN PENNINGTON: IT'S BEEN MOVED

AND

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1 SECONDED. ANY FURTHER DISCUSSION? IF NOT, WILL
2 THE SECRETARY CALL THE ROLL, PLEASE.

3 THE SECRETARY: BOARD MEMBER CHESBRO.

4 BOARD MEMBER CHESBRO: AYE.

5 THE SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: AYE.

7 THE SECRETARY: JONES.

8 BOARD MEMBER JONES: AYE.

9 THE SECRETARY: RELIS.

10 BOARD MEMBER RELIS: AYE.

11 THE SECRETARY: CHAIRMAN PENNINGTON.

12 CHAIRMAN PENNINGTON: AYE. MOTION

13 CARRIES.

14 WE'LL MOVE TO ITEM NO. 33E,
15 CONSIDERATION OF APPROVAL OF A RECYCLING MARKET
16 DEVELOPMENT ZONE PROGRAM LOAN APPLICATION FOR CROWN
17 POLY. CAREN TRGOVCICH.

18 MS. TRGOVCICH: GOOD MORNING, MR. CHAIRMAN
19 AND MEMBERS. ITEM NO. 33E IS ONE OF FIVE LOANS ON
20 YOUR AGENDA THIS MONTH. THE FIRST FOUR LOANS WERE
21 APPROVED ON YOUR CONSENT CALENDAR. I'D JUST LIKE
22 TO NOTE FOR THE RECORD THAT THE TOTAL DOLLAR AMOUNT
23 BEING PROPOSED FOR FUNDING TODAY IS \$3,030,000.

24 THE ONE ITEM THAT IS ON THE AGENDA
25 THAT WAS NOT PLACED ON THE CONSENT CALENDAR IS FOR

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1 A LOAN DOLLAR AMOUNT OF \$486,000. IN KEEPING WITH
2 MEMBER RELIS' RECOGNITION OF THE LOS ANGELES COUNTY
3 ZONE EARLIER, I'D LIKE TO POINT OUT THAT OVER \$2.6
4 MILLION OF WHAT IS ON YOUR AGENDA TODAY HAS COME
5 OUT OF THE LOS ANGELES COUNTY ZONE. SO THAT REALLY
6 SPEAKS HIGHLY FOR THE WORK THAT MONICA AND THE
7 STAFF HAVE DONE IN THAT AREA.

8 THE CROWN POLY LOAN WAS ORIGINALLY
9 CONSIDERED BY THE BOARD'S LOAN COMMITTEE AT ITS
10 MEETING ON SEPTEMBER 4TH. AT THAT TIME THE LOAN
11 COMMITTEE FELT THAT IT NEEDED SOME ADDITIONAL
12 INFORMATION IN ORDER TO BE ABLE TO CONSIDER THIS
13 LOAN AND TAKE AN ACTION ON THE CREDIT THAT WAS
14 PRESENTED TO THEM.

15 A SUBSEQUENT SPECIAL LOAN COMMITTEE
16 WAS HELD ON SEPTEMBER 25 VIA TELECONFERENCE, AND
17 WE'LL BE PRESENTING THE RESULTS OF THAT TELE-
18 CONFERENCE MEETING.

19 I'D JUST LIKE TO POINT OUT FOR YOUR
20 INFORMATION AS WELL THAT THIS LOAN MARKS THE FIRST
21 LOAN BEING PROCESSED UNDER THE RECENTLY APPROVED
22 REGULATIONS BY THE OFFICE OF ADMINISTRATIVE LAW.
23 WHILE THE ENTIRE PACKAGE OF REGULATIONS WAS NOT
24 APPROVED, THREE CRITICAL ELEMENTS WERE.

25 THE THREE CRITICAL ELEMENTS ARE THE

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1 INCLUSION OF SOURCE REDUCTION AS AN ELIGIBLE
2 PROJECT UNDER THIS PROGRAM, AND THAT IS WHAT THE
3 CROWN POLY LOAN REPRESENTS, AS WELL AS THE
4 EXPANSION OF OUR CURRENT LOAN COMMITTEE IN ORDER TO
5 BRING IN ADDITIONAL EXPERTISE AND MAKE ADDITIONAL
6 MEMBERS AVAILABLE FOR OUR MEETINGS, WHICH ON THE
7 THIRD ISSUE ARE NOW GOING TO BE MONTHLY SINCE THE
8 REGULATIONS APPROVED A CONTINUOUS APPLICATION
9 CYCLE, WHICH MEANS A MONTHLY MEETING CYCLE FOR OUR
10 LOAN COMMITTEE.

11 WITH THAT, I'LL TURN THE PRESENTATION
12 OVER TO BOB CAPUTI TO BRIEFLY DESCRIBE FOR YOU THE
13 CROWN POLY LOAN AND THE CREDIT DECISION.

14 MR. CAPUTI: CHAIRMAN PENNINGTON, BOARD
15 MEMBERS, FOR THE RECORD BOB CAPUTI, MANAGER OF THE
16 LOAN PROGRAM. I'M REALLY PLEASED TO PRESENT CROWN
17 POLY. AS CAREN STATED, IT'S OUR VERY FIRST SOURCE
18 REDUCTION LOAN. IT'S ALSO A NEW TECHNOLOGY LOAN.

19 THIS COMPANY PRODUCED AND IS
20 PROMOTING A NEW TECHNOLOGY. A PERSONAL -- LITTLE
21 PERSONAL NOTE HERE, IT'S A TECHNOLOGY THAT I REALLY
22 LOVE. IT'S A PRODUCE BAG. IT'S THOSE AGGRAVATING
23 PRODUCE BAGS IN THE PRODUCE SECTION OF YOUR SAFEWAY
24 AND THE OTHER MARKETS THAT YOU CAN'T OPEN. THIS
25 ONE POPS OPEN. IT'S BIGGER, IT'S STRONGER, AND IT

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1 USES 57 PERCENT LESS HDPE.

2 A LITTLE EXTRA ADDED INCENTIVE, 70
3 PERCENT OF THOSE BAGS COME FROM TEXAS. AND IF THIS
4 COMPANY CAN DOMINATE THE MARKET, THIS WILL ADD 30
5 JOBS TO CALIFORNIA -- 30 AND UPWARD -- AND BESIDES
6 ALL OF THE OTHER GOOD THE LOAN WILL DO. IT'S A
7 \$486,000 LOAN.

8 IT'S LOCATED IN THE LOS ANGELES
9 COUNTY, THE CITY OF VERNON. THE LOAN IS FOR
10 WORKING CAPITAL PURPOSES.

11 ACTUALLY THAT'S ABOUT IT. THE LOAN
12 COMMITTEE LOOKED AT THE APPLICATION. THEY HAD
13 ASKED FOR ADDITIONAL INFORMATION ON SEPTEMBER 25TH,
14 AND AT THAT TIME, WITH THE ADDITIONAL INFORMATION,
15 IT WAS A UNANIMOUS VOTE OF THE COMMITTEE TO
16 RECOMMEND APPROVAL TO THE FULL BOARD.

17 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
18 STAFF?

19 BOARD MEMBER RELIS: MR. CHAIR, I'D BE
20 HAPPY TO MOVE THIS ITEM AND THANK STAFF FOR WORKING
21 OUT THE CROWN POLY ONE IN THE INTERVENING COUPLE OF
22 WEEKS THAT WE'VE HAD SINCE WE HEARD THIS IN
23 COMMITTEE. SO I'LL MOVE APPROVAL OF THE NOW FIVE

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24 LOANS .

25 CHAIRMAN PENNINGTON: WE 'VE ALREADY

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1 APPROVED --

2 BOARD MEMBER RELIS: THAT'S CORRECT. WITH
3 THE ADDITION OF THE CROWN POLY LOAN TO THAT
4 PACKAGE.

5 CHAIRMAN PENNINGTON: SO I'LL SECOND THAT.

6 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'M
7 IN FAVOR OF THIS UNDER THE CIRCUMSTANCES WE'RE IN
8 RIGHT NOW, BUT I WANTED TO ISSUE JUST A COUPLE OF
9 CAUTIONARY NOTES FOR US TO CONSIDER IN THE FUTURE.
10 ONE OF THEM IS THAT I'VE ALWAYS BEEN IN FAVOR OF
11 WASTE PREVENTION, AND I'VE PUSHED VERY HARD FOR
12 WASTE PREVENTION-RELATED BUSINESSES TO BE ELIGIBLE
13 FOR LOANS.

14 BUT WHEN WE WENT THROUGH THE PROCESS
15 OF ASKING THE ZONE ADMINISTRATORS AND OTHERS TO
16 RESPOND TO OUR BROADENING OF THE CRITERIA, THIS WAS
17 AN AREA WHERE SOME CAUTIONARY INPUT WAS RECEIVED.

18 AND I THINK THAT THE DIFFICULTY IS IN
19 MAKING SURE THAT YOU'VE GOT AN IDENTIFIABLE
20 WASTESTREAM THAT IS WINDING UP NOT IN THE LANDFILL
21 AS A RESULT OF A CHANGE IN THE MANUFACTURING
22 PROCESS LIKE THIS AND THAT IT BE SIGNIFICANT IN
23 TERMS OF VOLUME. AND QUESTIONS COULD BE RAISED

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24 ABOUT THIS ONE, I THINK, ON BOTH COUNTS; HOWEVER,
25 UNDER THE CIRCUMSTANCE THAT WE DON'T -- WELL, LET

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1 ME BACK UP A SECOND AND SAY THAT QUESTIONS COULD BE
2 RAISED ABOUT THIS IN A SITUATION WHERE WE HAD A
3 SHORTAGE OF FUNDS AND A VERY COMPETITIVE SITUATION
4 WHERE ANOTHER LOAN HAD A MUCH MORE CLEARLY
5 IDENTIFIED WASTESTREAM THAT WAS MUCH LARGER. AND
6 SO THAT'S NOT THE CASE WE'RE IN.

7 WE'VE GOT CURRENTLY, HOPEFULLY NOT
8 FOR LONG, BUT CURRENTLY A SURPLUS OR LARGE AMOUNT
9 OF LOAN FUNDS THAT WE WANT TO GET OUT THE DOOR.
10 AND SO I THINK THAT IT'S CERTAINLY APPROPRIATE TO
11 APPROVE THIS LOAN AT THIS TIME, BUT WE MAY FACE
12 QUESTIONS IN THE FUTURE IN TERMS OF PRIORITIES, NOT
13 WHETHER OR NOT IT'S BASELINE ELIGIBLE, BUT WHETHER
14 OR NOT THE AMOUNT OF THE WASTESTREAM WE'RE
15 ADDRESSING COMPARES TO, SAY, C&D LOAN OR SOMETHING
16 ELSE THAT MIGHT BE COMPETING WITH IT. THAT'S JUST
17 SOMETHING TO KEEP IN MIND. WITH THAT SAID, I'M
18 CERTAINLY IN FAVOR OF THIS AT THIS TIME

19 BOARD MEMBER RELIS: MR. CHAIR, JUST
20 SPEAKING TO MR. CHESBRO'S COMMENTS, WE ANTICIPATED
21 THE POSSIBILITY OF THERE BEING A POINT WHERE A LOAN
22 LIKE THIS MIGHT FALL OUT, AND WE'VE ASKED STAFF AT
23 THE APPROPRIATE TIME WHEN THEY THINK THAT THE

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24 COMPETITION IS SUCH TO COME FORWARD WITH A CRITERIA

25 BY WHICH WE WOULD DETERMINE WHETHER A LOAN SUCH AS

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1 THIS COMPARED TO OTHERS WOULD BE MADE. SO I THINK
2 WE'VE GOT THAT COVERED. I'M LOOKING FORWARD TO
3 THAT TIME WHEN WE CAN EXERCISE THAT DISCRETION.

4 MS. TRGOVCICH: WE'LL CERTAINLY BE DOING
5 THAT. AND MAYBE ONE OTHER NOTE, IN TERMS OF THE
6 LOANS TO PLASTIC MANUFACTURERS, THE TONS DIVERTED
7 IS PRETTY MUCH IN LINE IN THIS CROWN POLY LOAN WITH
8 THE OTHER LOANS.

9 CHAIRMAN PENNINGTON: ANY FURTHER
10 DISCUSSION? IF NOT, WILL THE SECRETARY CALL THE
11 ROLL.

12 THE SECRETARY: BOARD MEMBER CHESBRO.

13 BOARD MEMBER CHESBRO: AYE.

14 THE SECRETARY: GOTCH.

15 BOARD MEMBER GOTCH: AYE.

16 THE SECRETARY: JONES.

17 BOARD MEMBER JONES: AYE.

18 THE SECRETARY: RELIS.

19 BOARD MEMBER RELIS: AYE.

20 THE SECRETARY: CHAIRMAN PENNINGTON.

21 CHAIRMAN PENNINGTON: AYE. MOTION
22 CARRIES.

23 WE'LL MOVE TO ITEM 35.

24 MS. TRGOVCICH: MR. CHAIRMAN, MEMBERS,
25 AGAIN, CAREN TRGOVCICH. THIS ITEM WAS HEARD IN

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1 POLICY COMMITTEE EARLIER THIS MONTH, AND AT THAT
2 TIME WE PRESENTED THE RESULTS OF BOTH THE DAMES &
3 MOORE REPORT AS WELL AS THE CARNOT REPORT. AT THE
4 TIME THAT THIS ITEM WAS HEARD IN POLICY COMMITTEE,
5 WE HAD NOT YET RECEIVED A FINAL DRAFT REPORT FROM
6 DAMES & MOORE. PRIOR DRAFTS HAD BEEN RECEIVED AND
7 HAD BEEN PEER REVIEWED BY OUTSIDE ENTITIES IN ORDER
8 TO LOOK AT BOTH THE DATA ANALYSIS AS WELL AS THE
9 FINDINGS, AND WHAT WAS REMAINING TO BE PROVIDED TO
10 TO BOARD STAFF WAS A FINAL FORMATTED VERSION.

11 THE ORIGINAL PURPOSE OF THE DAMES &
12 MOORE REPORT WAS TWOFOLD. ONE, IT WAS TO BE ABLE
13 TO BRING TOGETHER THE DATA FROM FACILITIES AROUND
14 THE STATE, 22 TO BE EXACT, THAT HAD USED TIRES AS A
15 FUEL SUPPLEMENT AND TO BRING TOGETHER THE EMISSIONS
16 DATA AND REPORT FINDINGS IN CERTAIN AREAS. AND THE
17 SECOND PURPOSE AND VERY IMPORTANT TO THE BOARD WAS
18 TO HAVE A REPORT THAT WOULD BE MADE AVAILABLE TO
19 LOCAL OFFICIALS TO PROVIDE INFORMATION ON THE
20 TECHNOLOGY. SO FORMAT AND PRESENTATION IS VERY
21 IMPORTANT TO US AS WELL IN THIS REPORT.

22 MARTHA WILL BE BRIEFLY DESCRIBING FOR
23 YOU THE RESULTS OF BOTH OF THOSE REPORTS IN LIEU OF
24 THE CONTRACTORS WHO ARE LABORATORY TECHNICIANS IN
25 THIS CASE. THE CONTRACTOR ON -- FROM CARNOT

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1 LABORATORIES WAS HERE AT THE BOARD'S POLICY
2 COMMITTEE MEETING. WE HAVE NO REPRESENTATIVES FROM
3 THAT LABORATORY AT TODAY'S BOARD MEETING, AND WE DO
4 NOT HAVE A REPRESENTATIVE FROM DAMES & MOORE AS
5 WELL AT TODAY'S MEETING, SO MARTHA WILL BE
6 SUMMARIZING THOSE RESULTS.

7 TO BRIEFLY BRING YOU KIND OF TO THE
8 END OF THE PRESENTATION VERY QUICKLY IN TERMS OF
9 WHERE WE WILL BE SEEKING YOUR GUIDANCE, DIRECTION,
10 AND ACTION, WE RECEIVED A SUBSEQUENT FORMATTED
11 VERSION FROM DAMES & MOORE LAST NIGHT. THIS SOUNDS
12 LIKE THE POLICY COMMITTEE OF A COUPLE WEEKS AGO,
13 AND WE AS STAFF ARE STILL UNHAPPY WITH THE FINAL
14 FORMAT. WE BELIEVE THAT THERE IS SOME WORK THAT
15 NEEDS TO BE DONE TO MAKE THIS PRESENTABLE TO LOCAL
16 OFFICIALS.

17 SO YOU WILL BE SEEING AND YOU'VE BEEN
18 PROVIDED WITH COPIES OF TWO REVISED RESOLUTIONS,
19 ONE FOR THE CARNOT REPORT AND ONE FOR THE DAMES &
20 MOORE REPORT, SO THAT WE CAN SEEK YOUR APPROVAL
21 AROUND THE CARNOT REPORT AND THEN SEEK APPROVAL OF
22 THE DAMES & MOORE IN TERMS OF WHAT'S BEEN RECEIVED
23 WITH SUBSEQUENT ACTION TO FOLLOW, AND WE'LL BE MORE

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24 FURTHER DESCRIBING THAT IN A FEW MOMENTS .

25 SO I WOULD LIKE TO TURN THE

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1 PRESENTATION OVER TO MARTHA GILDART TO BRIEFLY
2 SUMMARIZE THE FINDINGS OF THE TWO REPORTS.

3 MS. GILDART: GOOD MORNING, CHAIRMAN AND
4 MEMBERS. AS CAREN SAID, I'LL BE PRESENTING THE
5 RESULTS OF THE TWO REPORTS, BUT FIRST I THOUGHT I'D
6 SHOW YOU THE REASON WHY THE BOARD DIRECTED STAFF TO
7 ENTER INTO THESE CONTRACTS IN THE FIRST PLACE.

8 SINCE 1992, WHEN THE BOARD RELEASED
9 THE 1992 TIRES AS A FUEL SUPPLEMENT REPORT, WE HAVE
10 BEEN MAINTAINING THE SINGLE LARGEST POTENTIAL USE
11 FOR TIRES IN THE STATE IS IN THE ENERGY RECOVERY
12 FIELD, EITHER AS A FUEL SUPPLEMENT OR DIRECT
13 BURNING BY ENERGY PRODUCTION FACILITIES SUCH AS
14 MODESTO ENERGY LIMITED PARTNERSHIP.

15 TO BACK UP SOME OF THAT CLAIM, THE
16 BOARD HAS DIRECTED VARIOUS CONTRACTS BE ENTERED
17 INTO TO LOOK AT THE ENVIRONMENTAL IMPACTS FROM USE
18 OF TIRES AS A FUEL SUPPLEMENT, AND THAT'S WHAT
19 THESE TWO CONTRACTS ARE INTENDED TO DO.

20 AS CAREN SAID, ONE WAS MORE OF AN
21 OVERVIEW OF WHAT HAS HAPPENED NATIONWIDE. THE
22 OTHER WAS A VERY SPECIFIC EFFORT LOOKING AT
23 EMISSIONS FROM ONE FACILITY AND WHETHER OR NOT THEY

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24 WOULD COMPLY WITH THE AIR POLLUTION LIMITS IN THEIR
25 PERMIT.

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1 SO I WILL FIRST BE GOING OVER THE
2 RESULTS OF THE DAMES & MOORE STUDY. THEY COLLECTED
3 EMISSIONS DATA FROM 28 FACILITIES ACROSS THE
4 COUNTRY, INCLUDING 15 CEMENT KILNS, A NUMBER OF
5 PAPER AND PULP FACILITIES, AND SOME ENERGY
6 FACILITIES.

7 THEY HAVE ANALYZED THE DATA TO SHOW
8 THE RESULTS IN FAIRLY SIMPLE COMPARISONS, AND WE
9 WILL COVER SOME OF THOSE HERE.

10 FOR INSTANCE, THESE ARE COMPARISONS
11 OF THE CRITERIA POLLUTANTS. CRITERIA POLLUTANTS
12 ARE THOSE FOR WHICH NATIONAL AMBIENT AIR QUALITY
13 STANDARDS HAVE BEEN SET BY THE U.S. EPA. THESE ARE
14 THE ONES WHICH DETERMINE ATTAINMENT STATUS FOR ANY
15 GIVEN DISTRICT. MUCH OF CALIFORNIA IS NON-
16 ATTAINMENT FOR OZONE, HAS TO CONTROL NITROGEN
17 OXIDES, SOME SECTIONS HAVE PROBLEMS WITH CARBON
18 MONOXIDE OR PARTICULATE MATTER.

19 AS YOU CAN SEE, IN THE BASELINE
20 RESULTS, WHICH IS THE COAL OR THEIR ORIGINAL FUEL
21 ONLY, IN THE CASE OF THE PULP AND PAPER MILLS, IT'S
22 SOMETIMES THE WOODWASTE THAT THEY BURN. THE
23 MAXIMUM EMISSION RATES, FOR INSTANCE, FOR CARBON
24 MONOXIDE WITH AND WITHOUT TIRES SHOWS AN INCREASE
25 WITH THE TIRES. HOWEVER, THE OXIDES OF NITROGEN

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1 SHOWS A DECREASE BETWEEN THE MAXIMUMS. A SIMILAR
2 TREND SHOWS BETWEEN THE MINIMUM LEVELS TOO, BUT I
3 THINK AT THE MOMENT WE'LL FOCUS ON THESE MAXIMUMS.

4 INTERESTING RESULT IS THAT SULFUR
5 DIOXIDE SHOWS A VERY SLIGHT DECREASE ACROSS THE
6 MAXIMUMS THERE. THAT WAS A LITTLE BIT UNEXPECTED
7 BECAUSE TIRES DO CONTAIN A SIGNIFICANT AMOUNT OF
8 SULFUR. PARTICULATE MATTER IN THIS CASE ON THE
9 MAXIMUM SIDE SHOWED A DECREASE ALSO.

10 ONE OF THE PRESENTATION -- METHODS OF
11 PRESENTING THE DATA IS GRAPHICAL HERE TO MAKE IT
12 FAIRLY STRAIGHTFORWARD FOR ANYONE TO LOOK AT IT.
13 THESE SHOW THE CHANGE, THE DELTA, THAT THE
14 FACILITIES EXPERIENCED BETWEEN THEIR BASELINE AND
15 THE TIRE-DERIVED FUEL EMISSIONS. SO YOU CAN SEE
16 FOR CARBON MONOXIDE, THE MAJORITY OF THE
FACILITIES

17 DID EXPERIENCE AN INCREASE. HOWEVER, FOR
OXIDES OF

18 NITROGEN, YOU CAN SEE THERE IS A VERY LARGE
19 PREPONDERANCE OF DECREASE AMONGST THE
FACILITIES.

20 THERE'S SEVERAL OF THESE GRAPHS

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IN

21 THE DOCUMENT, AND THAT'S ACTUALLY ONE OF THE
ISSUES

22 WE'RE WORKING ON. I'LL SHOW YOU A LITTLE
LATER.

23 THEY ALSO LOOKED AT THE METALS

24 EMISSIONS. I'M NOT REALLY EXPECTING TO COVER
ALL

25 OF THESE IN ANY DETAIL, BUT JUST SO YOU CAN SEE
THE

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1 THOROUGHNESS OF THE STUDY. THE COMPOUNDS ARE
2 LISTED ON THE LEFT THERE: ALUMINUM, ANTIMONY,
3 ARSENIC, BARIUM. IT ALSO SHOWS THE MAXIMUM AND
4 MINIMUMS.

5 IF YOU WANT TO LOOK AT SOME OF THE
6 BASELINE VERSUS TDF RESULTS, ONCE AGAIN, YOU WILL
7 SEE THERE ARE SOME INCREASES AND SOME DECREASES.
8 WHEN THEY GO THROUGH THE ENTIRE ANALYSIS, THOUGH,
9 IT'S PRETTY MUCH A PUSH. THEY'VE ALSO DONE IT FOR
10 ORGANIC AND INORGANIC EMISSIONS. THE AMMONIA,
11 ASBESTOS, HYDROGEN CHLORIDE, ACETYLACRILAN
12 (PHONETIC), FORMALDEHYDE.

13 THEY'VE GONE THROUGH AND TAKEN ALL
14 THE DATA THAT THEY COULD FIND, INCLUDING THE ONES
15 THAT ARE OFTEN OF GREAT CONCERN TO THE PUBLIC. THE
16 DIOXINS, THE PCDD STAND FOR POLYCHLORINATED DIBENZO
17 P DIOXIN, TEQ STANDS FOR THE TOXIC EQUIVALENT
18 FACTOR. THAT IS HOW THEY TAKE THE 75 DIFFERENT
19 COGENERS OF DIOXIN, THE 135 DIFFERENT COGENERS OF
20 FURANS AND PUT THEM ON A SINGLE BASIS. AND IF YOU
21 WILL NOTICE, THE BASELINE RESULTS FOR THE PCDD
22 EQUIVALENT IS 8.3 TIMES 10 TO THE NEGATIVE EIGHTH
23 POUNDS PER HOURS. THE MAXIMUM UNDER TIRES IS 5.8
24 TIMES 10 TO THE NEGATIVE EIGHTH, SO IT SHOWS A
25 FAIRLY SIGNIFICANT DECREASE; BUT ONCE AGAIN, WE'RE

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1 TALKING ABOUT VERY, VERY SMALL NUMBERS.

2 USING THOSE DATA, DAMES & MOORE DID A
3 COMPARISON OF THE RISK, AND THIS IS WITHIN EACH
4 FACILITY -- LET ME START OUT WITH THIS ONE -- IT
5 SHOWS FOR EACH FACILITY THE INCREASE OR DECREASE IN
6 RISK AS CALCULATED BASED ON THOSE EMISSIONS. THE
7 WHITE BAR IS THE TIRE-DERIVED FUEL. THE BLACK BAR
8 IS THE BASELINE. IN MOST INSTANCES THE RISK IS
9 ACTUALLY DECREASED. IN A COUPLE INSTANCES THERE
10 WAS AN INCREASE.

11 TO SHOW THE DELTA, ONCE AGAIN, THIS
12 SHOWS INCREASE VERSUS DECREASE. THOSE BARS ABOVE
13 THE LINE ARE THE INCREASE AND BELOW ARE THE
14 DECREASE IN RELATIVE RISK. AND THIS IS WHAT LED
15 DAMES & MOORE TO CONCLUDE IN ITS REPORT THAT
16 OVERALL THE USE AS TIRES AS A FUEL SUPPLEMENT FOR
17 FACILITIES BURNING A VARIETY OF FUELS, THERE IS NO
18 SIGNIFICANT CHANGE IN THE RISK OR THE EMISSIONS
19 INVOLVED.

20 NOW, IF YOU NOTICE, THE COUPLE OF
21 FACILITIES AT THE FAR RIGHT WHICH DO SHOW AN
22 INCREASE ARE WOOD-FIRED FACILITIES. I THINK WE
MAY
23 NEED TO LOOK MORE CLOSELY AT THE EFFECT OF TIRES
ON

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24 WOOD-BURNING FACILITIES RATHER THAN ON COAL.

25 ONE OF THE THINGS WE'RE STILL TRYING

86

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1 TO WORK WITH DAMES & MOORE ON ARE LITTLE GLITCHY
2 THINGS LIKE THIS. AS YOU NOTICE, THE TITLE THERE
3 IS ILLEGIBLE. WE'VE NOTED THERE ARE LITTLE
4 PRODUCTION THINGS LIKE THIS DOCUMENT, LITTLE
5 UNIMPORTANT ISSUES, BUT WE NEED TO GET THEM IRONED
6 OUT BEFORE WE CAN DISTRIBUTE THE REPORT.

7 THE NEXT REPORT WAS THE ONE BY CARNOT
8 FOR THE AIR PRODUCTS FACILITY, WHICH IS A
9 CIRCULATING FLUIDIZED-BED COAL COMBUSTER IN
10 STOCKTON. IN FEBRUARY WE WERE ABLE TO AMEND AN
11 EXISTING CONTRACT TO WORK WITH CARNOT TO CONDUCT
12 THE EMISSIONS TESTING WHILE THE FACILITY BURNED
13 TIRES. THEY BURNED SOMETHING LIKE A 14-PERCENT
14 TIRE FUEL SUPPLEMENT ON AVERAGE. THEY LOOKED AT
15 CRITERIA AND NONCRITERIA POLLUTANTS.

16 THIS FIRST GRAPH SHOWS THE OVERALL
17 INCREASES AND DECREASES, AND LET ME GET A LITTLE
18 CLOSER SO YOU CAN READ IT. THE CRITERIA
19 POLLUTANTS, AS YOU WILL NOTICE, THE DARK BAR IS
20 THEIR BASELINE. THE GRAY BAR IS WITH TIRES, AND
21 THE WHITE BAR IS THEIR PERMIT LIMITS. SO YOU WILL
22 SEE IN SOME CASES THE TIRE-DERIVED FUEL HAD A
23 SLIGHT INCREASE FOR THE OXIDES OF NITROGEN, BUT IT
24 HAD A SIGNIFICANT DECREASE WITH THE SULPHUR
25 DIOXIDE.

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1 THE -- ALL VALUES ARE UNDER THEIR
2 PERMIT LIMITS. THIS IS WHAT THE SAN JOAQUIN VALLEY
3 UNIFIED AIR POLLUTION CONTROL DISTRICT IS
4 EVALUATING AS TO WHETHER OR NOT THEY WILL MODIFY
5 THEIR PERMIT TO ALLOW THEM TO BURN THE TIRES ON A
6 REGULAR BASIS.

7 MS. TRGOVCICH: MAYBE JUST TO INTERJECT
8 HERE, WE RECEIVED A COPY A LETTER FROM THE SAN
9 JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL
10 DISTRICT TO THE AIR PRODUCTS FACILITY. AND IN THAT
11 LETTER THEY HAD PRELIMINARILY REVIEWED THE
12 INFORMATION, AND SOME OF THE INFORMATION MARTHA IS
13 ABOUT TO PRESENT TO YOU UNDER THE TOXIC HOT SPOTS
14 PROGRAM, AND IT WAS A VERY POSITIVE LETTER THAT
15 CAME BACK SAYING THAT THEY SAW NO CHANGE IN TERMS
16 OF THE RISK ASSOCIATED WITH THE FACILITY AND THE
17 NEED TO DO FURTHER ANALYSIS IN THAT AREA.

18 SO THAT PAVES THE WAY FOR ANY
19 MODIFICATIONS THAT THIS PARTICULAR FACILITY MAY
20 WISH TO SEEK AROUND THEIR PERMIT AND THE INCLUSION
21 OF TIRE-DERIVED FUEL AS A SUPPLEMENT.

22 MS. GILDART: THE FACILITY RAN THROUGH THE
23 EMISSION TESTS FOR THE NONCRITERIA POLLUTANTS.

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24 JUST QUICKLY, YOU CAN GET A LISTING OF THE TYPES OF
25 COMPOUNDS THEY LOOKED FOR. ONCE AGAIN, IT'S A

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1 SIMILAR LIST AS THE DAMES & MOORE STUDY. THESE ARE
2 THE METALS THAT THEY EXAMINED: ANTIMONY, ARSENIC,
3 CADMIUM, CHROMIUM, LEAD, ALL THE BIG BAD ACTORS.

4 THEY WENT THROUGH THE ORGANICS AND
5 THE INORGANICS AND THEY WENT THROUGH THE DIOXINS.
6 AFTER HAVING EVALUATED ALL THOSE EMISSIONS, AND
7 THIS IS THE DOCUMENT -- THESE ARE THE RISK RESULTS
8 THAT THEY SUBMITTED TO THE SAN JOAQUIN VALLEY AIR
9 DISTRICT. GIVE YOU A LITTLE BIT OF BACKGROUND
10 HERE.

11 THIS IS A SCREENING PROCESS THEY USE
12 FOR DETERMINING WHETHER OR NOT THERE'S A
13 SIGNIFICANT CHANGE IN RISK. THE AB 2588 AIR TOXICS
14 HOT SPOT BILL WAS PASSED SEVERAL YEARS AGO,
15 SPONSORED BY LLOYD CONNALLY. AND IT REQUIRED ALL
16 SOURCES OF AIR EMISSIONS IN THE STATE TO LOOK AT
17 THEIR NONCRITERIA POLLUTANTS, THE TOXIC POLLUTANTS,
18 AND TO PROVIDE DATA THAT WOULD ALLOW THE DISTRICTS
19 TO SLOT THEM INTO ONE OF THREE DIFFERENT RANKINGS,
20 WHETHER IT WAS A LOW, MODERATE, OR HIGH RISK
21 FACILITY.

22 IF THEY FELL INTO THE HIGH RISK
23 LEVEL, THEN THEY HAD TO CONDUCT CERTAIN KINDS OF

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24 MONITORING. THEY HAD TO DO DOWNWIND TESTING OF
25 AMBIENT AIR AND CALCULATE RISKS FOR THE RESIDENTS

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1 AND PROVIDE THAT DATA TO THE RESIDENTS.

2 OBVIOUSLY THE LOWER OR THE MODERATE
3 RANKING WAS MUCH LESS INVOLVED. NONETHELESS, ALL
4 THE FACILITIES HAD TO GO THROUGH THESE CALCULA-
5 TIONS. SO WHAT WE HAVE HERE, AND IT'S INCLUDED IN
6 YOUR AGENDA PACKET THERE IN ITEM 35, PAGE 207, IT
7 SHOWS THE CHANGES IN HOW THEY DO THAT RISK
8 RANKING. IT LISTS THE CARCINOGENIC EFFECTS WITH
9 AND WITHOUT THE TIRE FUEL.

10 IF YOU NOTICE, THE TOTAL CALCULATED
11 RISK FOR THE ORIGINAL FUEL, WHICH WAS THE COAL AND
12 PETROLEUM COKE MIXTURE, WAS AT 1.48. THAT WOULD
13 PUT THEM IN THE MIDDLE CATEGORY. WHEN THEY USED
14 TIRES, THEY ACTUALLY DROPPED DOWN. IT WENT BELOW
15 ONE. IF YOU WILL NOTICE, IN THE BOTTOM LEFT-HAND
16 CORNER THERE WHERE IT DESCRIBES LESS THAN ONE
17 INDICATES LOW PRIORITY FOR RISK ASSESSMENT, ONE TO
18 TEN INDICATES INTERMEDIATE PRIORITY, AND GREATER
19 THAN TEN INDICATES HIGH PRIORITY.

20 SO THE CARCINOGENIC EFFECTS
21 DECREASED. THERE'S ALSO NONCARCINOGENIC EFFECTS
22 BOTH CHRONIC AND ACUTE. IN THIS CASE THERE WAS A
23 SLIGHT INCREASE FROM THE NONCARCINOGENIC EFFECTS.

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24 HOWEVER, IT STILL KEEPS THEM IN THE LOW END OF THAT
25 INTERMEDIATE CATEGORY. THE ACUTE EFFECTS WERE

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1 ESSENTIALLY THE SAME WHERE THEY'RE AT THE VERY LOW
2 PRIORITY READING.

3 SO OVERALL THIS IS WHAT THE AIR
4 DISTRICT LOOKS AT TO DETERMINE IF THERE IS ANY
5 CHANGE NEEDED OR IF THEY WILL INDEED ALLOW THEM TO
6 GO FORWARD. AND BASED ON THIS, THERE WAS NO
7 SIGNIFICANT CHANGE FOUND IN THEIR POSSIBLE RISK
8 CATEGORY.

9 JUST SO YOU CAN UNDERSTAND HOW SOME
10 OF THESE THINGS CAN CREATE A LOT OF DEBATE, I
11 WANTED JUST TO GO BRIEFLY OVER ONE TYPE OF COMPOUND
12 THAT YOU HEAR A LOT OF PEOPLE TALKING ABOUT. AND
13 THAT'S DIOXIN. IT IS OFTEN DESCRIBED AS ONE OF THE
14 MOST TOXIC COMPOUNDS KNOWN TO MAN. IT'S ACTUALLY A
15 RATHER INTERESTING ONE. IT IS COMPOSED OF TWO
16 BENZENE RINGS LINKED BY TWO OXYGEN ATOMS. THAT'S
17 WHERE IT GETS ITS DIBENZO P DIOXIN NAME. EACH ONE
18 OF THOSE NUMBERED SITES THERE ONE THROUGH NINE CAN
19 HAVE A CHLORINE ATOM ATTACH. IT DISPLACES THE
20 HYDROGEN. AND YOU CAN HAVE A DIOXIN THAT HAS A
21 SINGLE CHLORINE ALL THE WAY UP TO EIGHT CHLORINES,
22 AND THAT'S WHY WE HAVE 75 DIFFERENT FORMS OF
23 DIOXIN.

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24 SO THEY GIVE THESE VERY ELABORATE
25 NAMES HERE, THE 123478 HEXACHLORINATED DIBENZO P
91

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1 DIOXIN. NICE LONG MOUTHFUL THERE. THE INTERESTING
2 THING IS THAT THE MOST TOXIC FORM OF THE DIOXIN
3 MOLECULE IS WHAT THEY CALL THE 2378 TETRA-
4 CHLORINATED DIBENZO P DIOXIN. THAT'S THE ONE WHERE
5 THERE ARE FOUR CHLORINE ATOMS AT THE FOUR CORNERS
6 THERE IN POSITION 2, 3, 7, AND 8. WHAT THEY HAVE
7 DONE, BECAUSE THE DIOXIN MOLECULES ARE NOT TOXIC,
8 SOME ARE HIGHLY TOXIC, IS THEY'VE COME UP WITH THIS
9 CALCULATION METHOD WHERE THEY DETERMINE WHAT THE
10 TOXIC EQUIVALENT IS FOR ALL THE DIFFERENT EMISSIONS
11 OF ALL THE DIFFERENT DIOXINS.

12 AND THEN WHAT THEY GO THROUGH IS THEY
13 TEST. AND YOU WILL SEE, AND THESE ONCE AGAIN SHOW
14 MAXIMUM AND MINIMUM LEVELS FOR BASELINE AND TIRE
15 FUEL. SOME OF THEM GO UP; SOME OF THEM GO DOWN. I
16 TRIED TO DRAW A LITTLE ARROW THERE IN THE VERY
17 CORNER. I DON'T KNOW IF YOU CAN SEE IT ON YOUR
18 SMALLER SCREEN TO SHOW HOW MANY OF THEM DECREASE,
19 DECREASE, DECREASE. THE YELLOW ONE INCREASED,
20 DECREASED. WHAT HAPPENS IS THEY TAKE ALL THOSE
21 ACTUAL MEASUREMENTS OF THE DIFFERENT COGENERS OF
22 DIOXIN, CALCULATE THE TOXIC EQUIVALENT, AND THAT'S
23 THE NUMBER HERE, THE SECOND HIGHLIGHTED YELLOW

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24 NUMBER, AND THAT IS WHERE YOU CAN HAVE SOMEONE SAY
25 THE RISK DECREASES. OKAY. THE EMISSIONS WENT DOWN
 92

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1 FROM 8.3 TIMES 10 TO THE NEGATIVE EIGHTH TO 5.8
2 TIMES 10 TO THE NEGATIVE EIGHTH.

3 BUT YOU CAN HAVE SOMEONE ELSE LOOKING
4 AT THE SAME DATA SET AND SAY, OH, BUT IT INCREASED
5 TREMENDOUSLY. THE ACTUAL 2378 TETRA FORM DID
6 INCREASE BETWEEN 1.3 AND 1.96 TIMES 10 TO THE
7 NEGATIVE EIGHTH. SO IT GETS VERY CONTROVERSIAL,
8 AND YOU HAVE PEOPLE CAN ARGUE DIFFERENT POINTS; BUT
9 IF YOU FOLLOW THE ACCEPTED METHODS USED BY AIR
10 POLLUTION CONTROL OFFICIALS IN CALCULATING RISK,
11 WHAT THEY LOOK AT IS THE OVERALL EFFECT. AND TO
12 DATE, AND PARTICULARLY FOR THE AIR PRODUCTS
13 FACILITY, THEY FEEL THE RISK IS DECREASED.

14 SO WITH THAT, WE WANT TO DISCUSS THE
15 ACCEPTANCE OF THE REPORTS OR THE RESOLUTION?

16 BOARD MEMBER CHESBRO: ARE THERE COPIES
17 AVAILABLE?

18 MS. TRGOVCICH: THERE WERE COPIES, I
19 BELIEVE, THAT WERE DISTRIBUTED TO EACH OF YOUR
20 OFFICES LAST NIGHT WHEN WE REALIZED WE HAD RECEIVED
21 A REPORT THAT WAS LESS THAN COMPLETE. PATTI
22 BERTRAM, THE BOARD'S ADMINISTRATIVE ASSISTANT,
23 DISTRIBUTED THEM. WE CAN CERTAINLY PROVIDE YOU

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24 WITH COPIES OR PUT THEM ON THE OVERHEAD.

25 BOARD MEMBER CHESBRO: IF THEY HAVEN'T

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1 BEEN AVAILABLE TO BOARD MEMBERS, HAVE THEY BEEN
2 AVAILABLE TO THE PUBLIC?

3 MS. TRGOVCICH: THEY WERE MADE AVAILABLE
4 AT THE BACK OF THE ROOM.

5 BOARD MEMBER CHESBRO: JUST LAST NIGHT AND
6 THIS MORNING.

7 MS. TRGOVCICH: ARE YOU REFERRING TO THE
8 RESOLUTIONS?

9 BOARD MEMBER CHESBRO: NO, THE REPORT.

10 MS. TRGOVCICH: THE REPORTS, WHAT WE
11 STATED IN THE ITEM WAS THAT THE CARNOT REPORT WAS
12 1,000 PAGES LONG. ANYONE WISHING COPIES OR
13 EXCERPTS OF THE REPORT, WE PROVIDED A NAME AND
14 CONTACT NUMBER IN THE AGENDA ITEM ITSELF THAT WENT
15 OUT WITH THE POLICY COMMITTEE ITEM.

16 DAMES & MOORE WAS LIKEWISE
17 DESCRIBED. SO ANYONE WISHING A COPY, THAT COPY WAS
18 MADE AVAILABLE TO THEM. AND NAMES AND PHONE
19 NUMBERS WERE PROVIDED IN THE AGENDA ITEM ITSELF.

20 CHAIRMAN PENNINGTON: MR. RELIS.

21 BOARD MEMBER RELIS: MR. CHAIR, I BROUGHT
22 THIS UP IN COMMITTEE, AND I JUST WANTED TO RESTATE
23 IT. I THINK IT'S IMPORTANT FOR US TO UNDERSTAND,
24 IN LOOKING AT THESE REPORTS, THAT THE TESTING
25 PROTOCOLS WERE DONE IN ACCORDANCE WITH THE AIR

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1 BOARD'S REQUIREMENTS. IS THAT TRUE? IN OTHER
2 WORDS, ACROSS THE BOARDS THERE ARE SPECIFIC
3 PROCEDURES SET FORTH BY THE STATE AIR BOARD FOR
4 THIS TYPE OF RISK ASSESSMENT; IS THAT CORRECT?

5 MS. GILDART: FOR ANY OF THE DATA TO BE
6 ACCEPTED BY THE AIR POLLUTION CONTROL DISTRICT,
7 THEY HAVE TO USE THE PROSCRIBED MANNER OF TESTING,
8 AND THEY LAY THAT OUT IN THE REPORT. THAT'S WHY
9 THE AIR PRODUCTS CARNOT FACILITY REPORT IS SO LONG.
10 IT'S MOSTLY LIKE DATA SHEETS SO THAT PEOPLE CAN GO
11 THROUGH AND CHECK EACH PARAMETER, WHAT THE AIR FLOW
12 WAS, WHAT THE COMBUSTION RATE WAS, WHAT THE
13 TEMPERATURES WERE, HOW MUCH LIMESTONE WAS BEING
14 INJECTED FOR THE SULFUR DIOXIDE CONTROL, HOW MUCH
15 AMMONIA WAS BEING INJECTED FOR THE OXIDES OF
16 NITROGEN CONTROL, HOW THAT AFFECTS THE TOTAL
17 EMISSIONS COMING OUT, WHAT KINDS OF EQUIPMENT WAS
18 USED, WHAT TEMPERATURE YOU KEPT THE PROBE AT, AND
19 THE IMPINGERS THAT COLLECTED ALL THE MATERIALS, AND
20 THE FILTER CATCH, AND HOW YOU TOOK IT TO THE LAB.

21 IT'S A VERY ELABORATE PROCEDURE, BUT
22 IT'S ONE THAT'S BEEN DEVELOPED OVER THE LAST 20
23 YEARS. AND THAT'S WHAT THESE PEOPLE DO FOR A
24 LIVING. THEY ARE PROFESSIONALS IN CONDUCTING THESE
25 KINDS OF TESTS. THEY ARE REVIEWED BY THE AIR

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1 DISTRICTS, AND THAT'S ALL THAT GOES INTO JUST
2 CHANGING A PERMIT SLIGHTLY.

3 BOARD MEMBER RELIS: I RAISE THAT BECAUSE,
4 YOU KNOW, WE'RE NOT EXPERTS IN THE AIR AREA, AND
5 WE'RE RELYING -- I MEAN I THINK WE HAVE TO RELY ON
6 EITHER BOTH THE CREDIBILITY OF THE CONTRACTOR DOING
7 THE WORK IN ACCORDANCE WITH THE PROCEDURES SET
8 FORTH BY A SISTER AGENCY THAT IS IN THE AIR
9 BUSINESS AND HAS BEEN FOR MANY YEARS, 20 -- OVER
10 20 YEARS AND IS CONSIDERED, I THINK, A WORLDWIDE
11 LEADER IN THE AIR QUALITY ARENA.

12 MS. TRGOVCICH: I THINK AT THE POLICY
13 COMMITTEE STEVE HOWIE WAS HERE FROM THE DISTRICT
14 ITSELF. AND WHAT HE STATED ON THE RECORD AT THE
15 TIME WAS THEY USED THE MORE STRINGENT OF THE TEST
16 METHODS AVAILABLE; THAT IF THE FEDERAL STANDARD IS
17 MORE STRINGENT, THEN THE FEDERAL METHOD IS APPLIED.
18 IF THE STATE METHOD IS MORE STRINGENT OR THE
19 DISTRICT MORE STRINGENT, THEN THAT APPLIES.

20 BOARD MEMBER GOTCH: YES, I'D LIKE TO ASK
21 STAFF IF THEY WOULD PLEASE DISCUSS WHAT IT MEANS IF
22 WE ACCEPT THIS REPORT. AND THEN SECONDLY, WHEN DO
23 WE DISCUSS THE POLICY IMPLICATIONS OF BOTH OF THESE
24 REPORTS?

25 MS. TRGOVCICH: IN TERMS OF THE ACCEPTANCE

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1 OF THESE REPORTS, THE ITEM BEFORE YOU IS WE LET TWO
2 CONTRACTS FOR TWO APPROACHES TO LOOK AT AND ANALYZE
3 THE DATA. WHAT WE HAVE BEFORE YOU ARE THE RESULTS
4 OF THOSE TWO CONTRACTS.

5 THE DATA EXISTS AND THERE'S NOTHING
6 WE WOULD DO TO CHANGE THAT DATA. THE ANALYSIS IS
7 HERE, AND IT'S BEEN PERFORMED IN ACCORDANCE WITH
8 THE MORE STRINGENT OF THE METHODS APPLIED. SO
9 THERE IS NOT A POLICY PER SE IN THESE REPORTS.
10 WHAT THESE REPORTS ARE IS PRESENTATION OF DATA AND
11 THE ANALYSIS OF THOSE DATA.

12 THE POLICY ITEM, WHICH WAS CONSIDERED
13 COMPANION TO THIS ITEM AT THE POLICY COMMITTEE
14 MEETING EARLIER THIS MONTH, THEN THAT WAS BASED
15 UPON WHAT DOES THIS DATA MEAN. DOES THIS DATA
16 SUPPORT THE BOARD LOOKING AT A PROACTIVE POLICY
17 VERY SIMILAR TO WHAT WE LOOK AT IN THE AREA OF
18 MOLDED RUBBER PRODUCTS OR RUBBERIZED ASPHALT
19 CONCRETE IN THE STATE IN PROMOTING THOSE
20 TECHNOLOGIES? DOES THE BOARD WANT TO PROMOTE THIS
21 TECHNOLOGY AS WELL? AND THAT POLICY ITEM, I
22 BELIEVE, WAS MOVED TO THE OCTOBER BOARD MEETING AT
23 THE REQUEST OF INTERESTED PARTIES TO HAVE MORE TIME
24 TO LOOK AT THE POLICY IMPLICATIONS.

25 SO THE ACTIONS ON YOUR AGENDA TODAY

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1 ARE ACCEPTANCE OF THE DATA AND THE ANALYSIS OF THAT
2 DATA ONLY.

3 BOARD MEMBER JONES: MR. CHAIRMAN, JUST,
4 YOU KNOW, THERE'S TWO -- I MEAN AS FAR AS ACCEPTING
5 THIS, THAT'S JUST THE SCIENCE, AND THE AIR BOARD
6 HAS ALREADY SAID THIS HAS DONE A GOOD JOB. AND WE
7 FUNDED IT AND FUNDED THE ANALYSIS OF THE ASH TO
8 MAKE SURE THAT THERE WASN'T ANY ENVIRONMENTAL
9 PROBLEM.

10 I THINK ONE OF THE REASONS THAT WE
11 TOOK THIS -- THESE ARE TWO SEPARATE ISSUES. I MEAN
12 THE ITEM ON THE CARNOT REPORT WAS STRICTLY -- WAS
13 SOMETHING THAT WAS DONE A YEAR AGO OR SOMETHING OR
14 EIGHT MONTHS AGO OR TEN MONTHS AGO. THE DAMES &
15 MOORE, AS I REMEMBER IN SAN BERNARDINO, WE HAD
16 TALKED ABOUT -- I THINK IT MAY HAVE BEEN LET
17 EARLIER THAN THAT, AND WE TALKED ABOUT PUTTING THIS
18 INFORMATION IN ENGLISH SO THAT BOARDS OF
19 SUPERVISORS, CITY COUNCIL PEOPLE WHO HAD LOCAL
20 IDEA -- YOU KNOW, HAD SOMETHING THAT WAS IN ENGLISH
21 THAT THEY COULD UNDERSTAND.

22 SO I THINK IT WAS CRITICAL THAT THAT
23 WAS PART OF THEIR JOB WAS TO MAKE THIS AS SIMPLE

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24 FOR PEOPLE TO READ AS POSSIBLE.

25 THE ACTIONS OF THE 1992 POLICY OR
 98

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1 REPORT THAT ENCOURAGED THE USE OF TDF HAS BEEN A
2 LONG-STANDING POLICY. I THINK THAT THIS SUPPORTS
3 WHAT THAT 1992 REPORT INDICATED AS A WILLINGNESS TO
4 PROMOTE TDF ALONG WITH CIVIL ENGINEERING, ALONG
5 WITH THE MARKET DEVELOPMENT ISSUES, BUT I THINK
6 TODAY'S ITEM IS JUST STRICTLY LOOKING AT THIS. AND
7 THE REASON THAT WE PULLED THE ITEM OR POSTPONED IT
8 FOR A MONTH, WE HAD NOTICED EVERYBODY, ALL THE
9 NORMAL PLAYERS, BUT WE ALSO SENT OUT EXTRA NOTICES
10 TO PEOPLE THAT HAD INTEREST. AND THEY WANTED MORE
11 TIME TO RESPOND.

12 AND IT WAS INTERESTING IN SOME OF
13 THOSE DISCUSSIONS, KIND OF MADE IT -- ANYWAY, WE
14 DECIDED THAT WE WOULD HOLD THIS OVER FOR A MONTH SO
15 THAT THOSE PEOPLE COULD RESPOND AGAIN TO THE
16 POLICY. BUT IT'S -- YOU KNOW, THIS IS SEPARATE
17 FROM THAT ITEM. THIS IS THE SCIENCE.

18 BOARD MEMBER CHESBRO: HAS ANYBODY
19 ACTUALLY SEEN THE DAMES & MOORE REPORT?

20 MS. TRGOVCICH: THE DAMES & MOORE REPORT
21 WAS PROVIDED UPON REQUEST, AND IT WENT OUT FOR PEER
22 REVIEW IN JUNE. SO IN JUNE DRAFT COPIES OF THE
23 REPORT WERE RELEASED TO A BROAD AUDIENCE FOR INPUT

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24 ON THAT INFORMATION.

25 THE ONLY THING THAT WE'RE DOWN TO ON
 99

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1 THE DAMES & MOORE REPORT, THE DIFFERENCE BETWEEN
2 THE DRAFTS AND THE FINAL AND REASON WHY WE HAVE NOT
3 DISTRIBUTED THE TWO, QUOTE, UNQUOTE, FINALS THAT WE
4 HAVE RECEIVED IS BECAUSE THERE ARE TYPOS, CHARTS
5 ARE IN THE WRONG PLACE, CHARTS THAT WERE IN THE
6 DRAFT VERSION IN JUNE WERE OMITTED FROM THE FINAL
7 REPORT, SO IT HAS NOTHING TO DO WITH THE CONTENT OF
8 THE REPORT.

9 BOARD MEMBER CHESBRO: MR. JONES MADE
10 REFERENCE TO THE AIR BOARD HAVING SOMEHOW
11 COMMUNICATED A POSITIVE REVIEW OF IT. WAS THERE --
12 WHAT THE ACTUAL AIR BOARD COMMUNICATION?

13 MS. TRGOVCICH: THE AIR BOARD COMMUNICA-
14 TION, ARE YOU REFERRING TO THE AIR DISTRICT
15 COMMUNICATION AROUND THE AIR PRODUCTS FACILITY?

16 BOARD MEMBER JONES: THAT'S WHAT I WAS
17 REFERRING TO.

18 MS. TRGOVCICH: THAT COMMUNICATION WAS
19 RECEIVED ABOUT A WEEK AND A HALF AGO. THE AIR
20 PRODUCTS FACILITY SUBMITTED THE INFORMATION, THE
21 DATA, PREPARED BY CARNOT TO BE EVALUATED UNDER THE
22 DISTRICT'S HOT SPOTS PROGRAM. THE LETTER THAT CAME
23 BACK LOOKED AT THE INFORMATION, SPECIFICALLY THE
24 LAST TABLE THAT MARTHA WENT OVER FOR YOU THERE IN
25 TERMS OF CARCINOGENIC EFFECTS, NONCARCINOGENIC

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1 EFFECTS, BOTH ACUTE AND TOXIC.

2 AND WHAT THEIR REVIEW CAME BACK AND
3 WHAT THEY SAID IN THE LETTER WAS WE DON'T SEE WHERE
4 YOUR PRIORITY RANKING FOR THIS FACILITY WOULD
5 CHANGE AT ALL GIVEN THIS INFORMATION. SO THEY
6 WOULD NOT BE REQUESTING ADDITIONAL HEALTH RISK
7 ASSESSMENT AROUND THIS FACILITY AND THEIR PERMIT
8 MODIFICATION TO BURN TDF.

9 BOARD MEMBER CHESBRO: SHIFTING BACK TO
10 THE OTHER QUESTION, SO DRAFTS HAVE BEEN WIDELY
11 CIRCULATED AND THE ONLY THING THAT HAS NOT BEEN IS
12 THE FINAL?

13 MS. TRGOVCICH: THE FINAL IN TERMS OF THE
14 DAMES & MOORE, YES, BECAUSE WE WOULD MAKE COPIES
15 AVAILABLE IF ANYONE REQUESTED IT, BUT BECAUSE IT
16 WAS ESSENTIALLY THE VERY SAME INFORMATION, BUT
17 FORMATTED INCORRECTLY AND WITH TYPOS, WE USED OUR
18 WASTE PREVENTION ETHIC AND SAID WE'RE NOT GOING TO
19 WIDELY DISTRIBUTE COPIES OF A FINAL REPORT THAT WE
20 DON'T FEEL ARE IN ITS FINAL FORM.

21 BOARD MEMBER CHESBRO: WE'VE TALKED ABOUT
22 IT BEING AVAILABLE, BUT HAVE WE RECEIVED
23 SIGNIFICANT FEEDBACK FROM PEOPLE WHO -- TECHNICALLY

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24 ORIENTED PEOPLE WHO HAVE, IN FACT, REVIEWED IT?

25 MS. GILDART: WHO HAVE REVIEWED IT. IT

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1 WAS SENT FOR PEER REVIEW TO AIR REGULATORS AND THE
2 CEMENT INDUSTRY. THAT WAS THE DRAFT.

3 BOARD MEMBER CHESBRO: IN THE CEMENT
4 INDUSTRY OR AND THE CEMENT INDUSTRY?

5 MS. GILDART: AND.

6 BOARD MEMBER CHESBRO: AND THE CEMENT
7 INDUSTRY. DID WE --

8 MS. GILDART: WE RECEIVED COMMENTS. THEY
9 WERE ALL COMPILED. STAFF COMMENTS, AIR REGULATORY
10 COMMENTS, AND CEMENT INDUSTRY COMMENTS WERE
11 COMPILED ON A DRAFT DOCUMENT AND SUBMITTED TO DAMES
12 & MOORE IN AUGUST. AND IT'S BEEN TRYING TO GET ALL
13 THOSE LITTLE CHANGES INCORPORATED THAT HAS TAKEN
14 THE TIME. AND WHEN WE SAW THE COPY YESTERDAY,
15 THERE'S STILL SOME CLEANUP NECESSARY. IT DOESN'T
16 MEAN THEY NEED TO GO BACK AND COLLECT MORE DATA OR
17 RUN MORE ANALYSIS OR DO MORE STATISTICAL ANALYSIS
18 ON THE CORE RELATION BETWEEN THE VALUES.

19 BOARD MEMBER CHESBRO: SO IT'S YOUR
20 POSITION OR YOU'RE TELLING US THAT THE -- THOSE
21 COMMENTS HAVE IN SUBSTANCE BEEN RESPONDED TO OR
22 INCORPORATED.

23 MS. GILDART: THEY'VE EITHER BEEN

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24 INCORPORATED OR AN EXPLANATION OFFERED AS TO WHY

25 THEY COULD NOT BE. FOR INSTANCE, THE AIR BOARD HAD
102

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1 POINTED OUT RIGHTLY THAT YOU CANNOT COMPARE EXACT
2 EMISSIONS BETWEEN DIFFERENT FACILITIES WHO WILL
3 HAVE USED DIFFERENT TEST METHODS TO DETERMINE
4 THOSE, BUT YOU CAN COMPARE THEM WITHIN THE
5 FACILITY. SO THAT'S WHY THEY'RE LOOKING AT THE
6 DELTA WITHIN ONE FACILITY, BUT YOU CAN'T SAY, YOU
7 KNOW, CONCLUSIVELY THAT THIS TECHNOLOGY WILL
8 CONSISTENTLY DO IT. YOU'VE GOT LIKE A
9 PREPONDERANCE OF DATA THAT SHOW OVER AND OVER THESE
10 CEMENT KILNS HAVE A DECREASE IN OXIDES OF NITROGEN,
11 BUT YOU CAN'T ACTUALLY COMPARE CEMENT KILN A TO B
12 TO C BECAUSE THEY WERE IN THREE DIFFERENT STATES
13 USING THREE DIFFERENT TEST METHODS.

14 SO THEY WANTED SOME LANGUAGE THAT WAS
15 INCORPORATED IN THE REPORT THAT CAREFULLY EXPLAINS
16 THAT TO PEOPLE, THAT YOU COMPARE IT IN ONE WAY, BUT
17 NOT NECESSARILY IN ANOTHER. YOU CAN LOOK OVERALL
18 AT WHETHER OR NOT THEY'RE FALLING WITHIN THE
19 ENVELOPE, THE MAXIMUM AND MINIMUM.

20 MS. TRGOVCICH: SO WE HAVE REVIEWED THE
21 FINAL THAT DAMES & MOORE SUBMITTED. THE COMMENTS
22 HAVE BEEN ADDRESSED, THE CONSOLIDATED COMMENTS.
23 WHAT REMAINS ARE THE SPECIFIC CHARTS AND TABLES.
24 MARTHA SHOWED YOU AN EXAMPLE JUST WHERE IN ORDER TO
25 PROVIDE THIS DOCUMENT OUTSIDE OF THIS AGENCY, WE

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1 WOULD LIKE TO MAKE SURE THAT PEOPLE COULD READ THE
2 TABLE HEADINGS, FOR EXAMPLE.

3 AND MAYBE IF I CAN USE THAT AS A
4 SEGUE TO DISCUSS THE MODIFIED RESOLUTION THAT WAS
5 PROVIDED TO YOUR OFFICES, WHICH IS INCLUDED ON THE
6 BACK TABLE FOR ANYONE INTERESTED. WHAT WE DID
FROM

7 THE AGENDA ITEM WAS WE BROKE OUT THE TWO
REPORTS.

8 SINCE WE ARE RECOMMENDING CHANGE TO THE
RESOLUTION

9 AROUND THE DAMES & MOORE REPORT, AND I'LL DIRECT
10 YOUR ATTENTION TO THE BOTTOM OF THE RESOLUTION
11 WHERE IT SAYS "NOW THEREFORE BE IT RESOLVED,
THAT

12 THE BOARD HEREBY ACCEPTS THE DATA, ANALYSIS, AND
13 FINDINGS OF DAMES & MOORE PRESENTED IN THE DRAFT
14 REPORT PURSUANT TO THE CONTRACT AND DIRECT STAFF
TO

15 WORK WITH DAMES & MOORE TO DEVELOP A FINAL
16 FORMATTED VERSION OF THE REPORT THAT IS
ACCEPTABLE

17 TO THE EXECUTIVE DIRECTOR IN FULFILLMENT OF THE

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18 CONTRACT TO BE RECEIVED NO LATER THAN OCTOBER
19 10TH."

20 WE SPECIFIED A DATE IN THERE
BECAUSE

21 WE FEEL THAT THE CHANGES ARE SO MINOR AND ONLY
OF A

22 FORMATTING NATURE THAT THIS IS SOMETHING THAT
23 SHOULD BE ABLE TO BE ACCOMPLISHED WITHIN THE
NEXT

24 WEEK AND A HALF, AND WE WILL HAVE THE REPORT
25 AVAILABLE. SO WE ARE LOOKING FOR A MOTION OR
ARE

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1 REQUESTING AND RECOMMENDING THAT YOU DIRECT THE
2 STAFF TO ACCEPT THE REPORT, THAT YOU ACCEPT THE
3 REPORT AS IT RELATES TO THE DATA ANALYSIS AND
4 FINDINGS, AND THAT THE EXECUTIVE DIRECTOR WILL LOOK
5 AT THE FINAL DRAFT TO ENSURE THAT THE FORMATTING
6 CHANGES HAVE BEEN ACCOMPLISHED.

7 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS?

8 BOARD MEMBER GOTCH: I HAVE A QUESTION.

9 MARTHA, PLEASE HELP ME WITH THE TABLE ON PAGE 207
10 AND TELL ME IF IT SHOWS THE NUMERICAL THRESHOLDS OR
11 THE PARAMETERS FOR THE POLLUTANT CATEGORIES.

12 MS. GILDART: UNDER THE AIR TOXIC HOT
13 SPOTS THEY HAVE DEVELOPED PROCEDURES FOR
14 CALCULATING SORT OF A SCREENING RISK MODEL WHERE
15 THEY CAN DETERMINE IF YOU'RE GOING TO BE HIGH, LOW,
16 OR MEDIUM RISK. AND WHAT THEY'VE DONE --

17 BOARD MEMBER GOTCH: SO YOU'RE INCLUDING
18 THAT IN WITH THE SCORING, THEN, SHOWN AT THE
19 BOTTOM?

20 MS. GILDART: YEAH. THAT SCORE AT THE
21 BOTTOM WHEN IT'S LESS THAN ONE MEANS IT WOULD FALL
22 INTO THE LOW RISK CATEGORY. ONE TO TEN IS THE
23 MEDIUM RISK. AND THEY GO THROUGH THE CALCULATION
24 PROCEDURE BASED ON ALL OF THE EMISSIONS AND THEN
25 COMPARE IT FROM THEIR BASELINE, WHICH WAS IN 1995.

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1 THEN THEY DID THEIR COMPLIANCE TESTING TO GET THEIR
2 ORIGINAL AIR QUALITY PERMIT, TO THE USE OF A
3 14-PERCENT TIRE-DERIVED FUEL SUPPLEMENT.

4 FOR THE CALCULATION PROCESS THEY GO
5 THROUGH, THE RISK DECREASED. IT IS SORT OF
6 INTERESTING TO NOTE THAT SOME SPECIFIC METALS
7 WITHIN THAT CALCULATION CHANGED OR SHIFTED THEIR
8 POSITION. SOME INCREASE, SOME DECREASE, SO THE
9 CALCULATIONS INCREASE OR DECREASE. THEY ADD UP THE
10 TOTAL, AND OVERALL FOR THE CARCINOGENIC EFFECTS,
11 THERE WAS A DECREASE.

12 THE NONCARCINOGENIC EFFECTS AND THE
13 CHRONIC, WHICH IS LONG-TERM EXPOSURE TO USUALLY A
14 LOWER EMISSION LEVEL, SHOW A SLIGHT INCREASE, BUT
15 THEY'RE STILL WITHIN THAT INTERMEDIATE CATEGORY,
16 WHICH IS A ONE TO TEN SCORE. THIS IS A UNIT LIST
17 SORT OF SCORE. YOU KNOW, IT'S JUST A CALCULATED
18 NUMBER TO RANK THEM ONE AGAINST THE OTHER. AND SO
19 THERE IS A SLIGHT INCREASE IN RISK THERE, BUT IT
20 DID NOT CHANGE THEIR RANKING.

21 BOARD MEMBER GOTCH: I UNDERSTAND THAT. I
22 WANTED TO SEE IF I WAS READING THIS CORRECTLY, THAT
23 WAS WHERE THE INCLUSION WAS. THANKS.

24 CHAIRMAN PENNINGTON: OKAY. ANY
25 ADDITIONAL QUESTIONS OF STAFF? WE HAVE NO PUBLIC

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1 SPEAKERS ON THIS. SO --

2 BOARD MEMBER JONES: MAKE A MOTION THAT WE
3 ADOPT RESOLUTION NO. 97-448.

4 BOARD MEMBER RELIS: SECOND.

5 MS. TRGOVCICH: WOULD YOU INCLUDE 447 IN
6 THAT, OR DO YOU WANT TO TAKE THAT AS A SEPARATE
7 ACTION? THERE ARE NOW TWO RESOLUTIONS THAT HAVE
8 BEEN PROVIDED. RESOLUTION 97-448 IS THE RESOLUTION
9 FOR THE CARNOT REPORT. RESOLUTION 97-478 IS THE
10 RESOLUTION FOR THE DAMES & MOORE REPORT.

11 BOARD MEMBER JONES: AND 97-478

12 BOARD MEMBER RELIS: SECOND.

13 BOARD MEMBER CHESBRO: MR. CHAIRMAN, ONE
14 ADDITIONAL COMMENT I'D LIKE TO MAKE BEFORE WE VOTE
15 ON IT. THESE REPORTS COMPARE TIRE-DERIVED FUEL
16 WITH OTHER TYPES OF FUELS FOR THEIR EMISSIONS
17 CONTENT, BUT MY UNDERLYING CONCERN IS A MUCH MORE
18 OBVIOUS COMPARISON AND DIFFICULT ONE THAT LEADS US
19 TO THIS PLACE OF DEALING WITH TIRES AS FUEL. THAT
20 IS, THE UNCONTROLLED BURNING OF TIRES WHICH, OF
21 COURSE, EMIT LARGE QUANTITIES OF TOXINS INTO THE
22 ENVIRONMENT.

23 AND I THINK IT'S IMPORTANT TO TAKE
24 INTO ACCOUNT, WHEN WE'RE MOVING FORWARD WITH THIS
25 THING, THAT WE'RE NOT JUST COMPARING THE TIRES TO

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1 THE FUEL IN A POWER PLANT, BUT ALSO WHAT HAPPENS
2 WHEN A PILE OF TIRES GOES UP IN FLAMES AS WE'VE
3 SEEN REPEATEDLY IN THIS STATE.

4 SO I CONTINUE TO HAVE SOME DISCOMFORT
5 WITH -- CERTAINLY IF IT WAS IN MY NEIGHBORHOOD, I'D
6 BE LOOKING AT THESE NUMBERS REAL CAREFULLY WITH THE
7 IDEA OF BURNING TIRES IN THESE PLANTS, BUT I THINK
8 WE HAVE TO KEEP THE OTHER ISSUE IN MIND AS TO WHY
9 THE BOARD'S EVEN EXAMINING THIS AS A PRIORITY AND
10 WHY THE LEGISLATURE HAS PUSHED US TO FIND
11 ALTERNATIVES. SO I JUST WANTED TO SAY THAT ON THE
12 RECORD.

13 CHAIRMAN PENNINGTON: WELL, I TOTALLY
14 AGREE WITH YOU. WE DO HAVE TO KEEP THAT IN MIND.

15 BOARD MEMBER JONES: MR. CHAIRMAN.

16 CHAIRMAN PENNINGTON: MR. JONES.

17 BOARD MEMBER JONES: I APPRECIATE. BOARD
18 MEMBER CHESBRO, THE POLICY COMMITTEE MEETING WHERE
19 WE DEALT WITH THE POLICY OF WHY, WE ACTUALLY HAD A
20 VIDEO THAT EXPLAINED THE ENVIRONMENTAL IMPACTS ON
21 THAT. AND I'M HOPING THAT WHEN WE HAVE THE POLICY
22 ITEM BACK, WE WILL AGAIN PUT THIS IN CONTEXT. THIS
23 IS VERY IMPORTANT, AND I ABSOLUTELY AGREE WITH

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24 BOARD MEMBER CHESBRO AS TO KEEPING EVERYTHING IN
25 CONTEXT, AND IT IS A TOUGH ONE, BUT IT BEATS THE
108

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1 ALTERNATIVE.

2 CHAIRMAN PENNINGTON: OKAY. IF THERE'S NO
3 FURTHER DISCUSSION, WILL THE SECRETARY CALL THE
4 ROLL.

5 THE SECRETARY: BOARD MEMBER CHESBRO.

6 BOARD MEMBER CHESBRO: AYE.

7 THE SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 THE SECRETARY: JONES.

10 BOARD MEMBER JONES: AYE.

11 THE SECRETARY: RELIS.

12 BOARD MEMBER RELIS: AYE.

13 THE SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION
15 CARRIES.

16 MOVE TO ITEM 36, WHICH -- MS.
17 TRGOVCICH AND MR. CALVIN YOUNG WILL PRESENT AND
18 WE'LL HAVE A DISCUSSION ON.

19 MS. TRGOVCICH: VERY BRIEFLY, MR. CHAIRMAN
20 AND MEMBERS, WE WILL PROVIDE A VERY BRIEF BACK-
21 GROUND. AS I UNDERSTAND IT, YOU ARE LOOKING TO
22 ACCEPT SOME TESTIMONY ON THIS ITEM TODAY TO HAVE
A
23 DISCUSSION, AND THAT WE WILL LIKELY BE SEEING
THIS

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24 ITEM BACK IN THE COMING MONTH OF OCTOBER, SO WE
25 WILL BE BRIEF.

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1 CHAIRMAN PENNINGTON: I WOULD LIKE TO
2 POINT OUT TOO THAT WHILE WE WERE LOOKING AT THIS
3 LATE YESTERDAY AFTERNOON, WE THOUGHT THAT IT WAS
4 PULLED, AND THEN THIS MORNING WE HAD FURTHER
5 DISCUSSIONS AND WANTED TO HAVE SOME PRESENTATION
6 TODAY. BUT THAT THE PEOPLE FROM CDLAC, WHO HAD
7 ORIGINALLY PLANNED TO COME, DECIDED NOT TO COME,
8 AND SO THEY'RE NOT HERE TODAY, SO WE NEED TO BRING
9 IT UP AGAIN.

10 MS. TRGOVCICH: CALVIN ALSO THANKS YOU
11 BECAUSE NOW HE DOESN'T HAVE TO EXPLAIN WHY HE'S IN
12 JEANS.

13 THE CALIFORNIA DEBT LIMIT ALLOCATION
14 COMMITTEE OPENED UP A PROCESS BY WHICH IT BEGAN
15 CONSIDERING INPUT INTO ITS ALLOCATION PROCEDURES
16 FOR CALENDAR YEAR 1998. AS YOU'RE WELL AWARE, THE
17 CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE IS THE
18 BODY ORDAINED BY GOVERNOR WILSON TO BE THE ENTITY
19 THAT SAYS HOW MUCH BOND FUNDING WILL BE MADE
20 AVAILABLE IN VARIOUS CATEGORIES.

21 ONE OF THE CATEGORIES THAT HAS
22 CERTAINLY BEEN OF INTEREST TO THE BOARD HAS BEEN
23 THE AREA OF PRIVATE ACTIVITY BONDS AS IT RELATES TO
24 POLLUTION CONTROL EFFORTS, POLLUTION CONTROL
25 PROJECTS, AND OTHER VARIOUS CATEGORIES WITHIN THAT.

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1 WE DISCUSSED THIS WITH SEVERAL MEMBER
2 OFFICES AND ADVISORS, AND WE LOOKED AT SEVERAL
3 OPTIONS. ONE OPTION WAS FOR US TO PROVIDE CDLAC
4 WITH COMMENTS AT THE STAFF LEVEL, LOOKING AT THE
5 ALLOCATION PROCESS TO BE ABLE TO MAINTAIN A LEVEL
6 OF FUNDING CONSISTENT WITH PRIOR YEARS FOR
7 POLLUTION CONTROL PROJECTS.

8 ANOTHER OPTION WAS TO BRING THIS ITEM
9 BEFORE THE BOARD FOR THE BOARD ITSELF TO LOOK AT
10 THE TYPE AND SCOPE OF COMMENTS THAT IT WISHED TO
11 PROVIDE TO THE DEBT LIMIT ALLOCATION COMMITTEE, AND
12 IT WAS DECIDED TO BRING THIS ITEM TO THE BOARD
13 SINCE THERE ARE MANY DIFFERENT INFLUENCES AND
14 INTERESTS IN THIS PROCESS, AND WE WANTED TO MAKE
15 SURE THAT THE COMMENTS INCORPORATED THOSE, AND THUS
16 THE ITEM ON YOUR AGENDA.

17 CALVIN WILL BE BRIEFLY DESCRIBING THE
18 PROCESS FOR YOU AND THE SCOPE OF THE COMMENTS AS
19 THEY CURRENTLY ARE.

20 MR. YOUNG: SURE. OKAY. THIS IS CALVIN
21 YOUNG WITH THE LOAN PROGRAM. AND AGAIN, THANK YOU
22 FOR THE EXPLANATION REGARDING MY ATTIRE TODAY.
23 DIDN'T EVEN GET TO WEAR THE CHAIRMAN'S TIE TODAY.

24 ANYWAY, WHAT YOU HAVE BEFORE YOU
25 AGAIN IS THE ITEM THAT BRIEFLY DISCUSSES A LITTLE

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1 BIT OF THE BACKGROUND ON THE PROCESS FOR THE
2 DETERMINATION OF THE STATE'S CEILING ON TAX EXEMPT
3 OR TAX EXEMPT BONDS.

4 CURRENTLY FOR 1997 IT'S APPROXIMATELY
5 \$1.59 BILLION, BILLION SIX FOR ROUND NUMBERS.
6 THOSE MONIES ARE ALLOCATED BETWEEN A VARIETY OF
7 CATEGORIES. SOMETIMES THEY'RE BROKEN INTO FOUR
8 MAJOR CATEGORIES; SOMETIMES THEY'RE BROKEN INTO
9 TWO; SOMETIMES IT DEPENDS ON WHO YOU SPEAK TO.
10 ESSENTIALLY IT'S INTO HOUSING AND NONHOUSING. THE
11 NONHOUSING IS WHAT WE'RE PRIMARILY CONCERNED WITH
12 WITH OUR ACTIVITIES HERE.

13 IN THE NONHOUSING SIDE, IT'S FURTHER
14 BROKEN DOWN INTO INDUSTRIAL DEVELOPMENT, EXEMPT
15 FACILITIES, WHICH WOULD BE THE MATERIAL RECOVERY
16 FACILITIES AND THINGS OF THAT NATURE, AND STUDENT
17 LOANS.

18 FOR 1997, JUST TO KIND OF GIVE YOU A
19 FLAVOR FOR HOW MONIES ARE ALLOCATED -- ACTUALLY LET
20 ME GIVE YOU KIND OF A RUNNING START, IF I MAY. THE
21 LAST COUPLE OF YEARS FOR '95 AND 6 FOR THE EXEMPT
22 FACILITIES, THEY'VE BEEN RUNNING AT APPROXIMATELY
23 12 PERCENT AND 7 PERCENT FOR '95 AND 6 RESPECTIVELY

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24 OF THE TOTAL ALLOCATION OR AVAILABLE DEBT CEILING.

25 FOR CURRENT YEAR, FOR 1997, THAT

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1 AMOUNT FOR THE EXEMPT FACILITIES IS APPROXIMATELY 6
2 PERCENT OR \$103,000. THERE'S STILL ANOTHER
3 \$29,000 -- \$29 MILLION -- PARDON ME. WHAT'S A FEW
4 ZEROS? -- THAT'S NOT BEEN ALLOCATED YET.

5 ON THE INDUSTRIAL DEVELOPMENT BONDS,
6 WHICH WOULD RELATE TO THOSE FACILITIES THAT TAKE
7 AND PRODUCE PRODUCTS FROM RECYCLED OR RECOVERED
8 MATERIALS, THOSE HAVE BEEN RUNNING FOR '95 AND 6,
9 THEY WERE RUNNING AT 7 PERCENT AND 5 PERCENT
10 RESPECTIVELY, AND FOR CURRENT YEAR THE ALLOCATION
11 IS RUNNING AT APPROXIMATELY 10 PERCENT.

12 WHAT WE'RE LOOKING TO DO IS, AGAIN,
13 HAVE SOME COMMENTS OFFICIALLY FROM THE BOARD TO GO
14 FORWARD TO THE DEBT LIMIT ALLOCATION COMMITTEE
15 EXPRESSING OUR DESIRE AND CONCERN THAT AN
16 APPROPRIATE BALANCE BE MAINTAINED BETWEEN THE
17 COMPETING INTERESTS FOR THESE TAX EXEMPT MONIES.

18 CURRENTLY THE -- IT APPEARS THAT THE
19 BALANCE WILL BE MAINTAINED. THERE'S ALWAYS SOME
20 DISCUSSION. THERE'S DIFFERENT INTEREST GROUPS THAT
21 WANT DIFFERENT OPINIONS. THE ALLOCATION PROCESS
22 FOR '98, THEY'RE CURRENTLY TAKING COMMENTS ON
23 THAT. THERE'S ACTUALLY CONFLICTING INFORMATION IN
24 THE INFORMATION THAT I'VE BEEN PROVIDED AS FAR AS
25 THE ENDING PERIOD DATE FOR THE COMMENTS. ONE DATE

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1 IS OCTOBER 31ST; THE OTHER, WHICH I BELIEVE TO BE A
2 MORE ACCURATE DATE, IS NOVEMBER 12TH, THE ENDING
3 PERIOD FOR COMMENTS. IT WILL THEN AGAIN BE
4 DISCUSSED AT THE NOVEMBER 19TH CDLAC MEETING HERE
5 IN SACRAMENTO.

6 THAT'S ESSENTIALLY IT. WE'RE JUST
7 LOOKING TO GO ON THE RECORD WITH SOME OFFICIAL
8 POSITION FROM THE BOARD WITH RESPECTS TO SUPPORTING
9 THE APPROPRIATE BALANCE OF ALLOCATION FOR
10 INDUSTRIAL DEVELOPMENT BONDS AS WELL AS EXEMPT
11 FACILITIES, WHICH WOULD INCLUDE THE SOLID WASTE
12 MANAGEMENT ACTIVITIES.

13 MS. TRGOVCICH: MAYBE JUST TO BRIEFLY JUST
14 POINT OUT TO YOU THAT AT THE MEETING THAT CDLAC
15 HELD ON SEPTEMBER 24TH HERE IN SACRAMENTO, THIS WAS
16 AN ITEM ON THEIR SEPTEMBER 24TH AGENDA. ALTHOUGH I
17 UNDERSTAND IT WAS AN EXTREMELY QUICK MEETING, NOT
18 REALLY DISCUSSED, BUT THERE WAS A LARGE PACKET OF
19 INFORMATION THAT WAS PROVIDED.

20 AND UNDER THE EXEMPT FACILITY
21 PROJECTS CATEGORY, THEY HAVE MODIFIED THE LANGUAGE
22 IN THAT AREA ALREADY TO INCLUDE PROJECTS WHICH
23 DISPOSE OF SOLID WASTE AS WELL AS THE DEGREE TO

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24 WHICH A PROJECT HELPS ACHIEVE THE RECYCLING MARKET
25 DEVELOPMENT AND SOLID WASTE MANAGEMENT POLICY GOALS

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1 OF AB 939.

2 SO THEY'RE ALREADY LOOKING AND MAKING
3 SOME CHANGES BASED UPON INCOMING COMMENT.

4 CHAIRMAN PENNINGTON: OKAY. WE HAVE TWO
5 PEOPLE IN THE AUDIENCE THAT WISH TO ADDRESS THIS.
6 DENISE DELMATIER.

7 MS. DELMATIER: THANK YOU, MR. CHAIRMAN,
8 MEMBERS OF THE BOARD. DENISE DELMATIER OF THE
9 GUALCO GROUP ON BEHALF OF NORCAL WASTE SYSTEMS. WE
10 WOULD ENCOURAGE THE BOARD TO ADOPT A FORMAL
11 RECOMMENDATION TO THE MEMBERS OF CDLAC, ADVISING
12 AND RECOMMENDING RETENTION OF THE BALANCE THAT THEY
13 HAVE TO DATE TRIED TO GO FORWARD WITH, ALTHOUGH, AS
14 STAFF MENTIONED, THERE ARE TREMENDOUS PRESSURES
15 BEING PUT UPON MEMBERS OF CDLAC TO REVISE THAT
16 EQUITABLE BALANCE FOR PROVIDING THESE FUNDING
17 MECHANISMS FOR THE SOLID WASTE MANAGEMENT
18 ACTIVITIES.

19 AS WE WELL KNOW, THE PRESSURES THAT
20 PRIVATE COMPANIES AND PUBLIC ENTITIES ARE
21 ENCUMBERING AS FAR AS MEETING THE 939 DIVERSION
22 GOALS FOR THE 2000 DEADLINE IS INCREASING. AND
23 THOSE PRESSURES ARE OBVIOUSLY BEING DEALT WITH IN

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24 THE LEGISLATURE AS WELL AS HERE AT THE BOARD. TO

25 RETAIN THOSE FUNDING MECHANISMS WOULD CERTAINLY

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1 ALLEVIATE SOME OF THOSE PRESSURES. AS WE MOVE
2 FORWARD TO MEETING THE 50-PERCENT GOAL, THAT
3 FINANCIAL PRESSURES ARE GOING TO CONTINUE TO MOUNT.
4 SO WE WOULD STRONGLY ENCOURAGE THE BOARD TO ENTER
5 INTO THE FRAY AND EXPRESS ITS SUPPORT FOR RETENTION
6 OF THE BALANCE.

7 CHAIRMAN PENNINGTON: THANK YOU. ANY
8 QUESTIONS OF DENISE?

9 BOARD MEMBER JONES: JUST ONE COMMENT. I
10 APPRECIATE THE ORANGE AND BLACK TODAY. I THINK
11 THAT THAT'S GOOD. I LIKE TO SEE THAT.

12 MS. DELMATIER: I'M KEEPING VERY MINDFUL
13 OF THE CLOCK AND TRYING TO KEEP MY COMMENTS SHORT.

14 CHAIRMAN PENNINGTON: NEXT WE HAVE EVAN
15 EDGAR.

16 MR. EDGAR: THANK YOU, CHAIRMAN AND BOARD
17 MEMBERS. MY NAME IS EVAN EDGAR REPRESENTING THE
18 CALIFORNIA REFUSE REMOVAL COUNCIL TODAY.

19 COMMEND THE WASTE BOARD FOR
20 ADDRESSING THIS ISSUE. VERY IMPORTANT ISSUE TO THE
21 CRRC AND OUR MEMBER COMPANIES. THIS ISSUE IS
22 DIRECTLY RELATED TO ONE OF THE CORE INITIATIVES PUT
23 FORTH BY THE WASTE BOARD DURING THE 50-PERCENT
24 INITIATIVE WORKSHOPS ABOUT GETTING COST-EFFECTIVE
25 RECYCLING. AND I BELIEVE THAT CDLAC FUNDING

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1 THROUGH THE CALIFORNIA POLLUTION CONTROL FINANCING
2 AUTHORITY IS ONE OF THE MOST COST-EFFECTIVE
3 RECYCLING SOLUTIONS OUT THERE TO GET TO THE
4 50-PERCENT MANDATE.

5 THESE TAX EXEMPT BONDS BY CPCFA CARRY
6 LOWER INTEREST RATE; AND WITH THAT, WE ARE ABLE TO
7 GET SMALLER PROJECTS ON-LINE, AND THIS LOWER
8 INTEREST RATE CAN MAKE OR BREAK A PROJECT. SO OVER
9 THE LAST FEW YEARS MANY CRRC MEMBER COMPANIES HAVE
10 UTILIZED THIS FINANCING IN ORDER TO BUILD MRF'S TO
11 GET THE 25 AND 50 PERCENT, WITH THE AVERAGE LOAN
12 BEING ABOUT 15 PERCENT. SO IT'S VERY CRITICAL THAT
13 WE RETAIN THE BALANCE WITHIN THE CDLAC ALLOCATION
14 IN ORDER FOR US TO DEVELOP THE MRF'S TO GET TO THE
15 50-PERCENT GOAL.

16 OVER THE YEARS CDLAC ALLOCATION HAS
17 RANGED FROM A LOW OF 7 TO 12 PERCENT, EVEN AS HIGH
18 AS 41 PERCENT ONE YEAR AMONG THE EXEMPT FACILITIES.
19 MRF'S ARE ONLY ONE TYPE OF EXEMPT FACILITIES OUT OF
20 THE MANY TYPE OF EXEMPT FACILITIES, SO WE HAVE TO
21 COMPETE FOR THAT EVERY DAY. AND WE BELIEVE THAT
22 ALLOCATION LIMIT, ARBITRARY NUMBER, SUCH AS USED IN
23 LEGISLATION LAST YEAR IN AB 1383 BY ARONER, LIKE
24 SAY 10 PERCENT, WAS TOO LOW. I BELIEVE THAT OUT OF
25 THE \$1.57 BILLION THAT IS ALLOCATED EACH YEAR AT 10

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1 PERCENT ONLY ALLOTS 157 MILLION. WE NEED THAT
2 MONEY FOR THE MRF DEVELOPMENT.

3 AS YOU MAY RECALL, AB 1383 WAS
4 OPPOSED BY THE WASTE BOARD, AND WE APPRECIATE YOUR
5 SUPPORT ON THAT BECAUSE WE DON'T FEEL THERE'S THE
6 ARBITRARY LIMIT. WE BELIEVE THAT EXEMPT FACILITIES
7 NEED A HIGHER PRIORITY THAN WHAT HAS BEEN GIVEN IN
8 THE PAST. WE NEED THIS FINANCING IN ORDER TO GET
9 TO OUR -- GET TO THE 50 PERCENT.

10 SO ON BEHALF OF CRRC AND THE MEMBER
11 COMPANIES, WE APPRECIATE THE DISCUSSION TODAY.
12 VERY CRITICAL TO HAVE THIS DISCUSSION, AND WE ENJOY
13 YOUR COMMENTS TO CDLAC. AND HOPEFULLY THAT WILL BE
14 ABLE TO HAVE A HIGHER PRIORITY FOR EXEMPT
15 FACILITIES THAN THEY HAVE IN THEIR CURRENT PROPOSED
16 POLICY, WHICH IS ON THE LAST PAGE OF THE
17 DISCUSSION. THANK YOU.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
19 EVAN EDGAR? THANK YOU. FINALLY MARK LEARY.

20 MR. LEARY: MR. CHAIRMAN, MEMBERS OF THE
21 BOARD, MY NAME IS MARK LEARY REPRESENTING
22 BROWNING-FERRIS INDUSTRIES.

23 I TOTALLY CONCUR WITH WHAT'S BEEN

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24 SAID ALREADY BY DENISE AND BY EVAN. BFI

25 WHOLEHEARTEDLY APPLAUDS THE BOARD GETTING INVOLVED

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1 AND WEIGHING IN WITH COMMENTS ON THE DEBT LIMIT
2 ALLOCATION COMMITTEE OPPORTUNITY TO SET NEXT YEAR'S
3 ALLOCATION.

4 BFI HAS BEEN VERY INVOLVED WITH CDLAC
5 OVER THE LAST TWO YEARS. IN FACT, WE'VE BEEN THE
6 RECIPIENT OF TAX EXEMPT FINANCING OVER THE LAST TWO
7 YEARS AND WOULD LIKE TO VOLUNTEER OUR EFFORTS TO
8 WORK WITH THE BOARD STAFF IN MAKING THE RESOLUTION
9 FOR NEXT MONTH'S CONSIDERATION AS PRECISE AND AS
10 MEANINGFUL AS WE CAN TO THE CALIFORNIA DEBT LIMIT
11 ALLOCATION COMMITTEE.

12 WE'D LIKE TO AT LEAST AT THIS POINT
13 ENTERTAIN ONE ADDITIONAL OPTION. THE BOARD MAY
14 WANT TO CONSIDER WEIGHING IN IN SUPPORT OF
15 CONGRESSIONAL CHANGE TO THE CAP SET AT \$50 PER
16 CAPITA FOR THE ALLOCATION THAT CREATES THE 1.5
17 BILLION THAT CALIFORNIA DEALS WITH. THE STATE
18 TREASURER'S OFFICE AND, I BELIEVE, THE GOVERNOR IS
19 IN SUPPORT OF A REASSESSMENT OF THAT \$50 PER
CAPITA

20 DEBT LIMIT ALLOCATION LIMIT THAT CONGRESS HAS SET.
21 AND MAYBE THE BOARD WOULD LIKE TO WEIGH IN IN
22 SUPPORT OF A REASSESSMENT OR A MOVEMENT BY

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CONGRESS

23 TO UP THAT \$50 TO A LARGER FIGURE.

24 BOARD MEMBER GOTCH: ARE YOU TALKING

25 HR 979?

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1 MR. LEARY: YES.

2 CHAIRMAN PENNINGTON: WHAT'S THAT NUMBER
3 AGAIN? HR WHAT?

4 BOARD MEMBER GOTCH: 979, TWO-YEAR BILL.

5 BOARD MEMBER CHESBRO: YOU'RE SUGGESTING
6 IN ADDITION TO WEIGHING --

7 MR. LEARY: IN SUPPORT OF THE STATE'S DEBT
8 LIMIT ALLOCATION, THAT WE WEIGH IN IN SUPPORT OF
9 CONGRESSIONAL ACTION THAT CHANGES THE \$50 LIMIT AND
10 MAKES MORE MONEY FOR ALL OF US, INCLUDING HOUSING,
11 TO DIVVY UP IN THE FUTURE YEARS. THANK YOU VERY
12 MUCH.

13 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.
14 LEARY? DENISE.

15 MS. DELMATIER: THANK YOU. DENISE
16 DELMATIER ON BEHALF OF NORCAL WASTE SYSTEMS. MR.
17 LEARY REMINDED ME OF THE PENDING LEGISLATION, AND I
18 MIGHT MAKE MENTION THAT NORCAL HAS TAKEN A FORMAL
19 POSITION IN SUPPORT OF HR 979.

20 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE
21 ONLY OTHER QUESTION I HAVE IS I UNDERSTOOD IT
22 DIDN'T GO TO COMMITTEE THIS MONTH BECAUSE THERE WAS
23 SOME URGENCY, BUT SINCE IT'S GOING TO BE ON THE
24 BOARD AGENDA NEXT MONTH, IS THERE ANY REASON WE
25 WOULDN'T HAVE A DISCUSSION OF IT AT MARKETS

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1 COMMITTEE?

2 CHAIRMAN PENNINGTON: ONLY BECAUSE WE
3 CAN'T AGENDIZE IT.

4 BOARD MEMBER CHESBRO: IS IT TOO LATE TO
5 DO THAT?

6 MS. TRGOVCICH: IT WAS ORIGINALLY PLACED
7 ON THE BOARD'S AGENDA BECAUSE THE INITIAL DOCUMENT
8 THAT CAME OUT FROM CDLAC MENTIONED AN OCTOBER 15TH
9 DEADLINE FOR COMMENT.

10 BOARD MEMBER CHESBRO: AND YOU CAN'T
11 NOTICE INDIVIDUALLY BECAUSE THE AGENDA HAS GONE OUT
12 OR BECAUSE THE DEADLINE HAS PASSED?

13 MS. TRGOVCICH: THE AGENDAS HAVE ALREADY
14 BEEN DISTRIBUTED, HAVE ALREADY GONE OUT.

15 BOARD MEMBER CHESBRO: BUT THE DEADLINE
16 FOR AMENDING THE AGENDA.

17 MS. TRGOVCICH: THE DATE OF MARKETS
18 COMMITTEE IS OCTOBER 8TH. IT'S PASSED.

19 BOARD MEMBER GOTCH: CALVIN, WHAT ABOUT
20 THE ACTUAL MATERIALS SENT OUT BY CDLAC FOR COMMENT?
21 SHOULDN'T WE MAKE SOME SORT OF SPECIFIC REFERENCES
22 OR COMMENTS IN THE DOCUMENT?

23 MR. YOUNG: CORRECT. AT THE TIME THE

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24 AGENDA ITEM WAS PREPARED, WE DIDN'T HAVE ACCESS TO
25 THE SPECIFIC ITEMS. WE NOW DO AND CAN ADDRESS THAT
 121

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1 SPECIFIC LANGUAGE IN THE ITEM COMING UP FOR
2 CONSIDERATION THE END OF OR THE 22D OF OCTOBER NOW.

3 BOARD MEMBER GOTCH: BETWEEN NOW AND THEN
4 THE BOARD MEMBERS WILL GET A CHANCE TO SEE THAT
5 ALSO.

6 MR. YOUNG: CORRECT.

7 BOARD MEMBER GOTCH: FINALLY, GIVEN THE
8 EXEMPT FACILITY DOLLARS NEEDS FOR THE FUNDING
9 SOURCE, PARTICULARLY SINCE WE'RE REACHING AND
10 APPROACHING THE YEAR 2000 AND THE BOARD'S
11 COMMITMENT TO THE AB 939 GOALS, THIS LETTER SHOULD
12 NOT BE OUR SOLE PARTICIPATION IN THIS CDLAC
13 PROCESS. IN THE INTERVENING MONTHS AND THEREAFTER,
14 I WOULD SUGGEST THAT WE FOLLOW THIS ISSUE, REQUEST
15 STAFF TO ATTEND THEIR MEETINGS, HAVE A STANDING
16 UPDATE IN THE ADMIN COMMITTEE ON THE CDLAC PROCESS,
17 AND REPORT BACK TO THE COMMITTEE.

18 ALSO, TWO OTHER REQUESTS. I'M SORRY.
19 YOU DID ADDRESS HR 979, BUT I'D ALSO LIKE TO KNOW
20 WHAT THEIR POSITION WAS ON THE ARONER BILL, WHICH
21 WAS AB 1383, FOR NEXT MONTH. AND THANKS VERY MUCH.

22 MR. YOUNG: THANK YOU.

23 CHAIRMAN PENNINGTON: OKAY. IS THERE ANY
24 OTHER DISCUSSION ON THAT?

25 BOARD MEMBER RELIS: JUST, YOU KNOW, I

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1 WOULD HAVE BEEN PREPARED TO ACT TODAY. I
2 UNDERSTAND WE'VE GOT A LITTLE REFINEMENT TO DO, SO
3 I APPRECIATE THAT. I DO ECHO THE VIEW THAT WE
4 SHOULD BE AGGRESSIVE ON THIS ON ALL FRONTS. THIS
5 IS A CRITICAL PIECE OF 939 IMPLEMENTATION, THE
6 FINANCING. AND SO I THINK WE HAVE TO BE INVOLVED
7 IN MANY WAYS AS WAS PREVIOUSLY STATED.

8 BOARD MEMBER JONES: MR. CHAIRMAN.

9 CHAIRMAN PENNINGTON: CERTAINLY, MR.
10 JONES.

11 BOARD MEMBER JONES: I DON'T WANT TO DRAG
12 THIS ON ANYMORE, BUT I DIDN'T HEAR ANYBODY TALK
13 ABOUT IT. I JUST WANTED TO SAY THAT CPCFA
14 FINANCING COULD IN A LOT OF AREAS THROUGHOUT THE
15 STATE ARE THE DIFFERENCE BETWEEN PROJECTS GOING OR
16 NOTHING AT ALL. I MEAN IT IS THAT CLEAR. AND I
17 THINK IT'S GOOD WHAT WE'RE DOING. I THINK THAT I
18 TOO WAS READY TO VOTE TODAY TO ENDORSE.

19 I ACTUALLY OFFERED SOME OTHER
20 LANGUAGE IN THE FORM OF A SUBSTITUTE THAT DEALT
21 WITH THE HEALTH AND SAFETY ISSUES BECAUSE UNDER
22 SUBTITLE D WHERE WE DON'T HAVE LANDFILLS IN EVERY
23 COUNTY AND WE DON'T HAVE FACILITIES IN EVERY
24 COUNTY, THAT INFRASTRUCTURE HAS TO BE BUILT. IF
25 THESE FUNDS AREN'T AVAILABLE, IT DOES NOT GET

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BUILT

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1 WHETHER IT'S A LANDFILL, TRANSFER STATION,
2 RECYCLING CENTER, OR MRF, WHATEVER YOU WANT. IF
3 THESE FUNDS AREN'T HERE, IT'S NOT -- IF IT'S NOT
4 AVAILABLE, IT DOESN'T WORK. AND THEN WE CREATE A
5 HEALTH AND SAFETY ISSUE.

6 AND I THINK IT'S IMPORTANT, AND I'M
7 GLAD AND I'M PROUD TO BE ON THIS BOARD THAT
8 UNDERSTANDS JUST HOW CRITICAL THIS IS TO THE
9 DEVELOPMENT OF THE INFRASTRUCTURE. AND THE
SOONER

10 WE GET IT BACK, THE HAPPIER I'M GOING TO BE
AS LONG

11 AS IT'S SMITHED THE RIGHT WAY AND WE CAN GO
12 FORWARD. SO THANK YOU.

13 CHAIRMAN PENNINGTON: THANK YOU,
MR.

14 JONES. OKAY.

15 WE HAVE ITEM 37, WHICH IS THE
LAST

16 ITEM. UNLESS BOARD MEMBERS HAVE SOME
PRESSING

17 LUNCH PLANS, I'D LIKE TO GO AHEAD AND TAKE
THIS UP

18 AND THEN WE CAN ADJOURN. IS THAT ACCEPTABLE
TO THE

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19 BOARD? DO YOU WANT TO BREAK AND COME BACK?

20 BOARD MEMBER CHESBRO: WE HAVE TO
COME

21 BACK FOR CLOSED SESSION, DON'T WE?

22 CHAIRMAN PENNINGTON: WE HAVE TO
COME BACK

23 FOR CLOSED SESSION.

24 BOARD MEMBER CHESBRO: I INTEND TO
DISCUSS

25 THIS WITH STAFF, SO WE COULD BE HERE FOR A
WHILE.

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1 I DON'T KNOW ABOUT THE OTHER BOARD MEMBERS.

2 CHAIRMAN PENNINGTON: WE HAVE FIVE
3 PEOPLE --

4 BOARD MEMBER CHESBRO: THERE ARE PEOPLE
5 WHO CAME TO ADDRESS IT?

6 CHAIRMAN PENNINGTON: WE HAVE SIX PEOPLE
7 WHO CAME TO ADDRESS IT.

8 BOARD MEMBER CHESBRO: WELL, LET'S PROCEED
9 THEN.

10 CHAIRMAN PENNINGTON: WE'RE GOING TO TAKE
11 A COUPLE MINUTES HERE FOR THE PAPER CHANGE AND
12 OTHER SUCH THINGS.

13 (RECESS TAKEN.)

14 CHAIRMAN PENNINGTON: COME BACK INTO
15 ORDER, PLEASE, AND WE WILL TAKE UP ITEM NO. 37,
16 WHICH IS INFORMATION ON AND DISCUSSION OF TITLE 27
17 SOLID WASTE FACILITY PERMITTING PROCESS. DOROTHY
18 RICE, DON DIER.

19 MS. RICE: THANK YOU, MR. CHAIRMAN AND
20 MEMBERS. AS YOU KNOW FROM YOUR AGENDA, THIS IS AN
21 INFORMATIONAL AND DISCUSSION ITEM AND A FOLLOW-UP
22 TO THE ITEM DISCUSSED AT THE AUGUST BOARD MEETING
23 IN MARTINEZ AND ALSO AT THE JULY AND AUGUST
24 PERMITTING AND ENFORCEMENT COMMITTEE MEETINGS.

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25

STAFF TODAY, MYSELF AND DON IN THE
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1 GUISE OF STAFF, WILL MORE CLEARLY SEEK TO DESCRIBE
2 THE STATUTORY AND REGULATORY BASIS FOR THE CHANGES
3 WE ARE PROPOSING IN THE BOARD'S PERMIT REVIEW
4 PROCESS AT THIS TIME. THAT SEEMED TO BE THE FOCUS
5 OF THE MARTINEZ, THAT PERHAPS WE HAD NOT PROVIDED
6 ADEQUATE CLARITY ON HOW WE GOT TO WHERE WE WERE
7 LAST MONTH AND NOW AGAIN TODAY.

8 WE WILL ALSO SEEK TO MORE CLEARLY
9 DESCRIBE WHAT THOSE PROPOSED CHANGES IN THE PERMIT
10 REVIEW PROCESS ARE BECAUSE THEY AREN'T, WHEN YOU
11 LOOK AT IT, ALL THAT SIGNIFICANT.

12 FIRST, A BRIEF REVIEW OF STATUTORILY
13 AND REGULATORILY HOW WE GOT HERE. AND I'LL START
14 WITH JUST A REAL BRIEF CHRONOLOGY FOR BOARD MEMBERS
15 WHO WERE NOT HERE AT THE TIME. AB 1220 WAS ENACTED
16 IN OCTOBER OF 1993 VIRTUALLY FOUR YEARS AGO. IT
17 WAS SPONSORED BY THIS BOARD AND THE STATE WATER
18 RESOURCES CONTROL BOARD, AND IT IMPLEMENTED MANY OF
19 THE RECOMMENDATIONS OF A JOINT REPORT WHICH WAS
20 SUBMITTED TO THE LEGISLATURE BY THE TWO BOARDS,
21 OURSELVES AND THE STATE WATER BOARD.

22 THE JOINT REPORT, AS ONE OF ITS
23 FINDINGS, IDENTIFIED OVERLAP AND DUPLICATION
24 BETWEEN THIS BOARD AND THE LEA'S AS A SIGNIFICANT
25 ISSUE. OF COURSE, THAT WASN'T THE ONLY ISSUE IN

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1 THE REPORT.

2 THE TITLE 27 REGULATIONS TO IMPLEMENT
3 AB 1220 WERE ADOPTED BY THE TWO BOARDS, AS YOU
4 RECALL, IN A JOINT MEETING THIS PAST JANUARY,
5 JANUARY OF 1997, SUBMITTED TO OAL IN JUNE, AND
6 BECAME EFFECTIVE JULY 18TH OF THIS YEAR.

7 THE REGULATIONS CLEARLY TOOK A LONG,
8 LONG TIME TO DEVELOP. THE STATUTE TOOK EFFECT FOUR
9 YEARS AGO. THE REGULATIONS WERE JUST ADOPTED A FEW
10 MONTHS AGO. ONE REASON FOR THAT DELAY, THAT TIME,
11 WAS THE DIFFICULTY STAFF AND INTERESTED PARTIES
12 ENCOUNTERED IN TRYING TO ADDRESS WITH WORDS THE
13 OVERLAP CONFLICT AND DUPLICATION BETWEEN THE
14 FUNCTIONS OF THIS BOARD AND OTHER STATE AND LOCAL
15 AGENCIES, MOST NOTABLY THE STATE WATER BOARD AND
16 THE REGIONAL BOARDS AND THE LEA'S AND THIS BOARD.
17 SO THOSE WERE SOME OF THE KEY ISSUES THAT MADE THAT
18 RULEMAKING TAKE FOUR YEARS.

19 TODAY'S INFORMATIONAL ITEM FOCUSES
20 SOLELY ON CHANGES IN THE BOARD'S REVIEW PROCESS OF
21 PERMITS SUBMITTED BY LEA'S. WE WILL NOT GO INTO
22 OTHER ASPECTS OF AB 1220 IMPLEMENTATION, SUCH AS
23 THE RESPECTIVE ROLES OF THIS BOARD AND THE STATE

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24 WATER RESOURCES CONTROL BOARD AND THE REGIONAL
25 BOARDS .

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1 THE ITEM BEFORE YOU SEEKS PRIMARILY
2 TO LAY OUT SOME OF THE STATUTORY AND REGULATORY
3 FRAMEWORK FOR OUR DISCUSSION TODAY, AND I'LL REFER
4 TO PAGES OF THAT IN PROVIDING THAT BACKGROUND.

5 FIRST OF ALL, ON PAGE 3 OF YOUR
6 AGENDA ITEM, A FEW PROVISIONS OF THE PUBLIC
7 RESOURCES CODE ARE HIGHLIGHTED FOR YOUR REVIEW
8 TODAY, KIND OF MIDPAGE THERE, SPECIFICALLY PUBLIC
9 RESOURCES CODE SECTION 43101 SUBDIVISION B AND
10 43101 SUBDIVISION C, PARAGRAPH 8. I'LL JUST READ
11 THOSE BRIEFLY AS THEY CONTAIN THE MOST CLEAR
12 STATUTORY DIRECTION CONCERNING THE SHIFT, THE
13 INTENDED CLARITY BETWEEN THE ROLE OF THIS BOARD AND
14 THAT OF THE LEA.

15 AND I'LL QUOTE. "THE REPORT FOUND
16 THAT REGULATORY OVERLAP, CONFLICT, AND DUPLICATION
17 WERE EVIDENT BETWEEN THE BOARD AND THE STATE WATER
18 BOARD AND BETWEEN THE BOARD AND LOCAL ENFORCEMENT
19 AGENCIES AND THAT REGULATORY REFORM WAS NECESSARY
20 TO STREAMLINING THE STATE'S SOLID WASTE DISPOSAL
21 REGULATORY PROCESS. IN ADDITION, IT WAS FOUND THAT
22 A RECASTING OF THE SOLID WASTE FACILITY PERMIT WAS
23 WARRANTED TO MAKE EFFICIENT AND STREAMLINED THE
24 PERMITTING AND REGULATION OF SOLID WASTE
DISPOSAL

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25 FACILITIES." AND THEN PERHAPS EVEN MORE

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1 SPECIFICALLY THE FOLLOWING PARAGRAPH.

2 "A CLEAR AND CONCISE DIVISION OF
3 RESPONSIBILITY SHALL BE MAINTAINED TO MINIMIZE
4 OVERLAP AND DUPLICATION OF PERMITTING, INSPECTION,
5 AND COMPLIANCE DUTIES BETWEEN THE BOARD AND
6 CERTIFIED LEA'S. THE BOARD'S PRIMARY ROLE IN
7 REGARD TO PERMITTING AND COMPLIANCE SHALL BE TO
8 PROVIDE TECHNICAL ASSISTANCE AND ONGOING TRAINING
9 AND SUPPORT TO LEA'S, TO ENSURE A LOCAL ENFORCEMENT
10 AGENCY'S PERFORMANCE IN COMPLYING WITH STATE
11 MINIMUM STANDARDS, AND TO REVIEW PERMITS AND OTHER
12 DOCUMENTS SUBMITTED BY LEA'S FOR BOARD CONCURRENCE
13 OR APPROVAL. THE BOARD SHALL STRENGTHEN THE STATE
14 CERTIFICATION AND EVALUATION PROGRAM FOR LEA'S AND
15 SHALL SET CLEAR AND UNIFORM STANDARDS TO BE MET BY
16 LEA'S."

17 THERE WAS ALSO CONSIDERABLE
18 DISCUSSION AT THE TIME AB 1220 WAS BEING DEVELOPED
19 ABOUT THE NEED TO STRENGTHEN STATE LAW GOVERNING
20 THE BOARD'S LEA EVALUATION FUNCTION, AND YOU CAN
21 SEE THAT IN THE LATTER PROVISION THAT I JUST READ.
22 THESE CHANGES CAN ALSO BE SEEN IN PUBLIC RESOURCES
23 CODE 43214, WHICH APPEARS ON PAGES 4 AND 5 OF YOUR

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24 AGENDA ITEM.

25 I WILL NOT READ THIS SECTION AS IT'S
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1 RATHER LENGTHY, BUT PRIMARILY WANTED TO HIGHLIGHT
2 FOR YOU TWO ASPECTS OF IT THAT WERE SIGNIFICANT
3 REVISIONS BROUGHT ABOUT BY AB 1220. PRIOR TO 1220,
4 THE PROVISIONS IN THE LAW STEMMING FROM 939 SPOKE
5 TO AN ABILITY OF THE BOARD TO, WHEN ISSUES WERE
6 FOUND AT SOLID WASTE FACILITIES IN THE COURSE OF AN
7 EVALUATION, THE BOARD COULD DO A PERFORMANCE REVIEW
8 OF THE LEA, AND THROUGH A FAIRLY LABORIOUS PROCESS,
9 WHICH I THINK YOU'RE FAMILIAR WITH, 120 DAYS TO DO
10 THE REVIEW, AND THEN I BELIEVE IT'S 90 DAYS TO
11 PREPARE A REPORT AND 60 DAYS TO PREPARE A
12 CORRECTIVE ACTION PLAN. TIME FRAMES ARE SET OUT
13 FOR ACTION.

14 WHEN WE WERE DEBATING IN THE
15 LEGISLATIVE PROCESS THE INCREASED DELEGATION TO THE
16 LEA OF CERTAIN PERMITTING AND COMPLIANCE FUNCTIONS,
17 IT WAS FELT VERY STRONGLY BY MEMBERS OF THE FOLKS
18 ADVOCATING DIFFERENT POINTS OF VIEW AT THE TIME
19 THAT MORE FOCUS NEEDED TO BE PLACED ON THE
20 AUTHORITY OF THE BOARD TO STEP IN QUICKLY IF ISSUES
21 WERE FOUND.

22 FOR THOSE REASONS, SORT OF TWO-THIRDS
23 OF THE WAY DOWN THE PAGE ON PAGE 4, YOU WILL SEE
24 LANGUAGE THAT WAS ADDED TO THE CODE BY AB 1220,
25 BEGINS NOTWITHSTANDING SECTIONS 43215 -- AND I

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1 THINK IT'S 43216. THERE'S A TYPO THERE -- IF THE
2 BOARD FINDS THAT CONDITIONS AT SOLID WASTE
3 FACILITIES WITHIN THE JURISDICTION OF THE LEA
4 THREATEN PUBLIC HEALTH AND SAFETY OR THE
5 ENVIRONMENT, THE BOARD SHALL WITHIN TEN DAYS OF
6 NOTIFYING THE LEA BECOME THE EA UNTIL ANOTHER LEA
7 IS DESIGNATED AND CERTIFIED. THAT WAS AN ADDITION
8 WITH 1220 AND A FAIRLY SIGNIFICANT ONE.

9 THE OTHER ADDITION THAT 1220 MADE TO
10 THE CODE IS THE SUBDIVISION D WHICH FOLLOWS
11 IMMEDIATELY, WHICH STATES THAT THE BOARD SHALL FIND
12 THAT AN LEA IS NOT FULFILLING ITS RESPONSIBILITIES
13 PURSUANT TO THIS ARTICLE IF ANY OF THE FOLLOWING
14 FINDINGS ARE MADE. AND THEN ON THE FOLLOWING PAGE,
15 PAGE 5, ARE LISTED FIVE SPECIFIC POINTS HAVING TO
16 DO WITH PREPARATION OF ADEQUATE PERMITS, PURSUING
17 ENFORCEMENT APPROPRIATELY, ALL THOSE KINDS OF
18 THINGS WHERE THE STATUTE NOW STATES AND HAS SINCE
19 1993 THAT THE BOARD SHALL FIND THAT THE LEA IS NOT
20 FULFILLING ITS FUNCTION IF ONE OF THOSE SITUATIONS
21 EXISTS.

22 SO IT'S CLEAR FROM LOOKING AT THE
23 SECTIONS TOGETHER, THOSE HAVING TO DO WITH THE

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24 AUTHORITY OF THE BOARD AND THE LEA AND THOSE HAVING
25 TO DO WITH STRENGTHENING THE EVALUATION PROCESS,

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1 THAT 1220 WAS INTENDING TO LINK CLARITY REGARDING
2 THE ROLES OF THE LEA AND THIS BOARD WITH INCREASED
3 EMPHASIS ON TRAINING, TECHNICAL ASSISTANCE, AND A
4 STRENGTHENED EVALUATION FUNCTION.

5 AS YOU KNOW, WE HAVE BEEN ACTIVELY
6 SEEKING TO IMPLEMENT MANY OF THESE ASPECTS OF AB
7 1220 FOR SEVERAL YEARS NOW AS EVIDENCED IN OUR
8 INCREASED EFFORTS IN TRAINING, SEEKING LEA
9 INVOLVEMENT IN OUR PROGRAMS ON HOW TO MAKE THEM
10 MEET THEIR NEEDS, AND IN OUR EFFORTS TO ADDRESS
11 INADEQUACIES IN THE EVALUATION PROCESS.

12 AS REGARDS PERMIT REVIEW, THIS
13 PRIMARILY MEANS A SHIFT IN FOCUS TO PROVIDING THE
14 TOOLS AND ASSISTANCE NEEDED BY LEA'S TO SUBMIT
15 COMPLETE AND ACCURATE PERMIT PACKAGES. HOWEVER, WE
16 RECOGNIZE THAT AB 1220 DID NOT ELIMINATE NOR WEAKEN
17 THIS BOARD'S ROLE IN ACTING TO CONCUR IN OR OBJECT
18 TO SOLID WASTE FACILITIES PERMITS. IN FACT, AB
19 1220 ARGUABLY STRENGTHENED THIS ROLE BY REQUIRING
20 THE BOARD TO OBJECT TO PERMITS IF IT FINDS THAT
21 SPECIFIC REQUIREMENTS OF THE LAW AND REGULATION
22 HAVE NOT BEEN MET.

23 AGAIN, AB 939 WAS FAIRLY GENERAL IN

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24 ITS WORDING ON CONCURRENCE AND OBJECTION. AB 1220

25 MADE THE LAW MORE SPECIFIC.

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1 NOW TO BRIEFLY SPEAK TO THE TITLE 27
2 REGULATIONS, WHICH WERE THIS BOARD AND THE WATER
3 BOARD'S EFFORTS TO IMPLEMENT THROUGH REGULATION THE
4 1220 PROVISIONS. HOW DID THE TITLE 27 REGULATIONS
5 SEEK TO IMPLEMENT THE AB 1220 STATUTORY INTENT TO
6 PROVIDE A CLEAR AND CONCISE DIVISION OF
7 RESPONSIBILITIES BETWEEN THE BOARD AND CERTIFIED
8 LEA'S? PRIMARILY I THINK TWO SECTIONS OF THE
9 REGULATIONS ARE MOST RELEVANT, ONE DESCRIBING THE
10 ENFORCEMENT AGENCY PERMIT PROCESSING REQUIREMENTS
11 AND ONE DESCRIBING WASTE BOARD PERMIT PROCESSING
12 REQUIREMENTS. AND YOU CAN FIND THOSE SECTIONS OF
13 THE TITLE 27 REGULATIONS ON PAGE 7 OF YOUR ITEM.

14 AND AGAIN, I WON'T READ THOSE
15 SECTIONS. I THINK THE MOST RELEVANT THING HERE
16 TO
17 FOCUS ON, IN THE FIRST SECTION THAT YOU SEE ON
18 PAGE
19 7, 21650, WHICH RELATES TO THE EA PROCESSING
20 REQUIREMENTS, THE PARAGRAPH 3 THERE CALLS FOR A
21 CERTIFICATION FROM THE EA THAT THE PERMIT
APPLICATION PACKAGE IS COMPLETE AND CORRECT,
INCLUDING A STATEMENT THAT THE RFI MEETS

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22 THE REQUIREMENTS OF 21600 OF THESE SAME

23 REGULATIONS.

24 AND THEN WHEN YOU FLIP TO THE

SECTION

25 DOWN BELOW, 21685, ON THE BOARD PROCESSING ROLE,

IT

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1 REFERENCES THE CERTIFICATION BY THE ENFORCEMENT
2 AGENCY THAT THE RFI IS COMPLETE AND CORRECT.

3 SO WHAT DO THESE STATUTORY AND
4 REGULATORY CHANGES MEAN IN TERMS OF BOARD REVIEW OF
5 PERMITS? THEY DO NOT MEAN THAT THE BOARD'S
6 DECISION-MAKING ROLE IS LESSENER. THEY DO SEEK TO
7 CLARIFY THE PRIMARY ROLE OF THE LEA IN THE PERMIT
8 PREPARATION AND SUBMITTAL PROCESS AND THE ROLE OF
9 THE BOARD IN PROVIDING THE LEA WITH THE NEEDED
10 TOOLS AND ASSISTANCE TO PERFORM THESE FUNCTIONS
11 SUCCESSFULLY.

12 THE ATTACHMENTS TO YOUR AGENDA ITEM
13 SEEK TO DEPICT WHAT WE THINK THIS ALL BOILS DOWN TO
14 IN TERMS OF STAFF REVIEW OF LEA PERMIT SUBMITTALS.

15 THE COPY IN YOUR PACKET IS IN WHITE.
16 MAYBE YOU CAN SEE THE WORDS A LITTLE BETTER. ONE
17 WAY TO LOOK AT THIS CHART -- IT WAS JUST AN EFFORT
18 TO DEPICT FOR YOU WHAT THE HECK WE WERE TALKING
19 ABOUT -- IF YOU LOOK AT ALL THE WORDING ON THE
20 PAGE, ALL OF THE DIFFERENT COMPONENTS, AND YOU
21 THINK ABOUT THE LAW BEFORE 1220, ALL OF THOSE
22 THINGS WERE ASPECTS OF WHAT BOARD STAFF REVIEWED
23 WHEN THEY BROUGHT A PERMIT TO YOU PRIOR TO THE
24 PASSAGE OF AB 1220.

25 AFTER 1220 WE STOPPED REVIEWING ALL

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1 THE OTHER STATE AND LOCAL PERMITS AS PREREQUISITES
2 TO BOARD ACTION AS THERE WAS NO LONGER ANY
3 STATUTORY AUTHORITY TO SUPPORT THE CONCEPT OF THE
4 SOLID WASTE FACILITY PERMIT AS AN UMBRELLA PERMIT
5 OR THE USE OF THE LAUNDRY LIST OF OTHER REQUIRED
6 APPROVALS WHICH WAS IN BOARD REGULATION AS A
7 PREREQUISITE TO BOARD ACTION ON A PERMIT.

8 THIS LAUNDRY LIST IS DEPICTED IN THAT
9 YELLOW BOX. SO THOSE ARE ASPECTS OF THE PERMIT
10 THAT WE CEASED REVIEWING IN DETAIL, SOME OF THEM
11 MANY YEARS AGO BECAUSE THIS LAW PASSED FOUR YEARS
12 AGO, WHICH REMOVED ANY AUTHORITY FOR US TO BE
13 ADHERING TO THAT LAUNDRY LIST, SO THAT'S NOT A
14 CHANGE THAT'S PROPOSED BEFORE YOU TODAY. IT'S
15 SOMETHING THAT WE'VE BEEN IMPLEMENTING SINCE THE
16 STATUTE TOOK EFFECT.

17 IN THE BOTTOM GREEN BOX IS THE LIST
18 OF ITEMS THAT WE STILL REVIEW AND WILL REVIEW IN
19 THE POST 1220 ERA. IN THE SMALL RED BOX ARE THE
20 TWO ITEMS FOR WHICH OUR REVIEW IS PROPOSED TO
21 CHANGE SOMEWHAT AND IS REALLY THE FOCUS OF THE ITEM
22 THAT WE'VE BEEN BRINGING TO YOU THE LAST TWO MONTHS
23 IN COMMITTEE AND BOARD MEETING. AND MOST
24 IMPORTANTLY, THE RFI, THE REPORT OF FACILITY
25 INFORMATION, IN THE RED BOX.

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1 THE QUESTION THAT STAFF WERE SEEKING
2 TO POSE IN THE INFORMATIONAL ITEMS THAT WE'VE BEEN
3 BRINGING TO YOU AND THE DEBATE WE'VE BEEN HAVING
4 WITHIN THE DIVISION IS WHAT LEVEL OF REVIEW OF THE
5 RFI IS APPROPRIATE NOW THAT THE LEA IS REQUIRED BY
6 REGULATION TO CERTIFY THAT THAT DOCUMENT IS
7 COMPLETE AND CORRECT? THE OTHER ITEM MENTIONED IN
8 THE RED BOX IS WATER BOARD DOCUMENTATION. AND ALL
9 THAT'S MEANT BY THAT IS THAT WITH 1220, AS YOU
10 KNOW, ONE OF THE BALANCING ASPECTS OF IT WAS THAT
11 WHEN YOU'RE CONCURRING ON A PERMIT, YOU ARE NOT
12 REQUIRED TO ACT IF THERE ARE OUTSTANDING ISSUES
13 REGARDING ENFORCEMENT ORDERS PENDING AT THE
14 REGIONAL BOARD.

15 SO WE NOW OBTAIN INFORMATION FROM THE
16 LEA REGARDING ANY SUCH PENDING ACTIONS AND THE
17 STATUS OF THE WASTE DISCHARGE REQUIREMENTS SO THAT
18 YOU CAN FULFILL THAT.

19 SO IN A SENSE THEN ALL OF THE
20 DISCUSSION AND DEBATE WE'VE BEEN HAVING IS ABOUT
21 THE LEVEL OF REVIEW FOR THE RFI. ALL THIS HAVING
22 BEEN SAID, WE RECOGNIZE, AS BOARD STAFF, THAT THE
23 BOARD WILL NEED, DOES NEED, AND WILL ALWAYS NEED

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24 SUFFICIENT INFORMATION FROM THE LEA AND FROM BOARD
25 STAFF TO MAKE YOUR DECISIONS. AND WE AS STAFF WILL

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1 NEED TO PERFORM SUFFICIENT REVIEW TO MAKE A
2 RECOMMENDATION TO YOU REGARDING CONCURRENCE OR
3 OBJECTION IN A PERMIT.

4 WE DO NOT ENVISION, IN FACT,
5 SIGNIFICANT CHANGE IN TERMS OF WHAT YOU WILL
6 ACTUALLY SEE FROM STAFF ON PERMITS. A LOT OF IT
7 BOILS DOWN TO WHAT LEVEL OF REVIEW WE WILL GIVE TO
8 THE RFI THAT HAS BEEN CERTIFIED AS COMPLETE AND
9 CORRECT BY THE LEA. WE WILL CLEARLY NEED TO REVIEW
10 FOR WHETHER THE REQUIRED PARTS AND PIECES ARE
11 PRESENT, WHETHER IT'S CONSISTENT WITH OTHER ASPECTS
12 OF THE PERMIT SUBMITTAL, AND WE MAY NEED TO LOOK
13 FOR OTHER THINGS AS WELL IN ORDER TO DEVELOP A
14 RECOMMENDATION ON CONCURRENCE OR OBJECTION FOR YOU.

15 THAT CONCLUDES MY PRESENTATION AND
16 ATTEMPT TO CLARIFY WHAT WE WERE TRYING TO DESCRIBE
17 IN MARTINEZ.

18 CHAIRMAN PENNINGTON: THANK YOU.
19 DISCUSSION OF STAFF FIRST, OR DO YOU WANT TO HEAR
20 FROM ALL THE PEOPLE?

21 BOARD MEMBER CHESBRO: I'D LIKE TO MAKE
22 SOME COMMENTS. THIS ITEM WAS BROUGHT FORWARD FROM
23 OUR MEETING IN MARTINEZ. AT THAT TIME I HAD

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24 SEVERAL QUESTIONS ABOUT THE BOARD'S LONG-TERM
25 STRATEGY FOR REVIEWING AND CONSIDERING FACILITY

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1 PERMITS. I EXPRESSED CONCERN THAT WE WERE
2 HINDERING THE BOARD MEMBERS' ABILITY TO ACT ON
3 PERMITS BECAUSE OUR STAFF WOULD LIMIT THEIR
4 INDEPENDENT ANALYSIS OF PERMITS, AND WE WOULD BE
5 RELYING EXCLUSIVELY ON LOCAL ENFORCEMENT AGENCY
6 CERTIFICATION OF COMPLIANCE.

7 NOW, I'VE SUPPORTED VERY STRONGLY AND
8 I CONTINUE TO SUPPORT THE CONTINUING UPGRADING OF
9 THE LEA'S, BUT THEY'RE NOT PERFECT AND THEY NEVER
10 WILL BE PERFECT. THERE WILL CONTINUE TO BE
11 EXAMPLES WHERE THERE ARE DIFFICULTIES, AND I KNOW
12 THAT THOSE ARE CREATED NOT JUST BY -- VERY SELDOM
13 BY THE INTENTIONS OF AN LEA TO NOT COMPLY
14 ADEQUATELY, BUT THERE'S A QUESTION OF RESOURCE
15 ALLOCATION AT THE LOCAL LEVEL, AND THERE'S
16 QUESTIONS FROM TIME TO TIME OF POLITICAL PRESSURE.
17 AND I SAY THAT NOT AS A CURRENT MEMBER OF THE WASTE
18 BOARD. I SAY THAT HAVING SERVED IN LOCAL
19 GOVERNMENT AND BOTH OBSERVED FIRSTHAND IN THE
20 COUNTY I WAS IN AND ALSO KNOWING COUNTY OFFICIALS
21 FROM AROUND THE STATE AND PARTICIPATING IN
22 DISCUSSIONS AND INTERACTING WITH OTHER COUNTIES FOR
23 MANY, MANY YEARS.

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24 I CONTINUE TO DO THAT, INCIDENTALLY,

25 AS A MEMBER OF THIS BOARD, BUT IT'S FIRSTHAND

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1 EXPERIENCE. IT'S NOT JUST SITTING HERE HEARING
2 PERMITS THAT LEAD ME TO THAT CONCLUSION.

3 THERE HAVE BEEN TIMES AND THERE WILL
4 CONTINUE TO BE TIMES WHEN PERMITS ARE GOING TO LAND
5 BEFORE THIS BOARD WHERE THERE WILL BE -- THE LEA'S
6 RECOMMENDATIONS WILL BE THE SUBJECT OF CRITICISM
7 AND CONTROVERSY, EITHER BY ANOTHER JURISDICTION OR
8 THE JURISDICTION THAT'S BEING REGULATED OR THE -- A
9 COMPETITOR OR A NEIGHBORHOOD GROUP OR YOU NAME IT,
10 WHAT THE CAUSE -- WHAT THE ORIGIN OF THE MOTIVATION
11 FOR THE PEOPLE QUESTIONING THE LEA'S ABILITIES
12 MIGHT BE.

13 AND I'M NOT SAYING THAT SIMPLY
14 RAISING THE QUESTIONS CASTS ANY DOUBT ON THE LEA.
15 IT DOES REQUIRE THE BOARD, HOWEVER, UNDER THOSE
16 CIRCUMSTANCES, TO HAVE AN INDEPENDENT ANALYSIS.
17 AND IT'S MY BELIEF THAT UNDER THIS PROPOSAL WE
18 WON'T BE ASSURED OF THIS. AND I THINK THAT WE'VE
19 BEEN -- IT'S NOT THAT THIS PROPOSAL DRAMATICALLY
20 ENDS THAT. WE'VE BEEN ON THIS SLIPPERY SLOPE WHERE
21 LITTLE BY LITTLE, WE'RE GETTING LESS, AND THIS
22 MOVES US FURTHER ALONG IN THAT PROCESS.

23 I BELIEVE THIS IS A FUNDAMENTAL ISSUE

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24 FOR THE BOARD. I'D LIKE TO BE ABLE TO HAVE A
25 MEANINGFUL DISCUSSION OF THE BOARD'S STAFF

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1 PROPOSAL. UNFORTUNATELY, THE ITEM WAS DELIVERED TO
2 THE BOARD, AND THIS IS QUITE UPSETTING TO ME, THIS
3 MORNING WITH NO ABILITY TO REVIEW IT AND DISCUSS IT
4 WITH STAFF IN ADVANCE. ACTUALLY, WE RECEIVED IT
5 LATE YESTERDAY. I DIDN'T SEE IT TILL THIS MORNING.
6 THERE WAS NO TIME FOR REVIEW AND CERTAINLY NO TIME
7 FOR PUBLIC REVIEW OF THE PROPOSALS.

8 YET I NOTE THAT THERE ARE LEA'S HERE,
9 SO I ASSUME THAT THEY HAVE BEEN DISCUSSING WITH
10 STAFF AND WERE AWARE OF WHAT THE STAFF WAS GOING TO
11 BE PRESENTING US.

12 AS A BOARD MEMBER, I WANT TO KNOW AND
13 I WANT TO KNOW THAT THE GENERAL PUBLIC HAS ACCESS
14 TO WHAT'S GOING TO BE DISCUSSED BY THE BOARD. AS
15 I'VE SAID BEFORE, THIS IS A SLIPPERY SLOPE. THE
16 BOARD STAFF HAS APPARENTLY ALREADY BEGUN THE
17 PROCESS TO LOOKING AT LEA CERTIFICATION RATHER THAN
18 INDEPENDENT REVIEW AND ANALYSIS AS THE PRIMARY
19 FOCUS OF DETERMINING WHETHER OR NOT WE'RE GETTING
20 ADEQUATE PERMITS BEFORE US. AS A BOARD MEMBER, I
21 BELIEVE THE BOARD INTENDED ME AND INTENDED YOU, MY
22 COLLEAGUES, TO INDEPENDENTLY REVIEW AND ACT ON
23 PERMITS.

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24 IT'S TRUE THAT WE STILL HAVE THAT
25 AUTHORITY IN THE STATUTE, BUT WITHOUT ADEQUATE
 140

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1 SUPPORT FOR THAT FUNCTION FROM STAFF, IT MAKES THE
2 JOB A WHOLE LOT MORE DIFFICULT, AND THE
3 CIRCUMSTANCE I'M ENVISIONING, AND I CAN THINK OF A
4 HALF A DOZEN IN THE LAST COUPLE YEARS, WHERE WE'RE
5 SITTING HERE AND THE LEA IS BEING CAST --
6 ESSENTIALLY BEING QUESTIONED OR CRITICIZED AS TO
7 WHETHER THE PERMIT IS ADEQUATE. AND WE NEED THAT
8 THIRD-PARTY INDEPENDENT ANALYSIS IN THE FORM OF OUR
9 STAFF TO ASSURE US THAT WE ARE MAKING A DECISION
10 BASED ON ADEQUATE INFORMATION. AND I JUST DON'T
11 FEEL THAT WE'RE GOING TO BE GETTING THAT. SO THOSE
12 ARE MY COMMENTS.

13 CHAIRMAN PENNINGTON: THANK YOU, MR.
14 CHESBRO. ANY OTHER COMMENTS OR DISCUSSION?

15 BOARD MEMBER RELIS: I'LL HOLD TO HEAR THE
16 COMMENTS.

17 CHAIRMAN PENNINGTON: WE'LL START WITH
18 JUSTIN MALAN.

19 MR. MALAN: MR. CHAIRMAN, BOARD MEMBERS,
20 JUSTIN MALAN WITH CCDEH, THE LOCAL ENVIRONMENTAL
21 HEALTH DIRECTORS, AND WE REPRESENT MOST OF THE
22 LEA'S AS WELL.

23 I WANT TO THANK YOU FOR THE
24 OPPORTUNITY TO LET THE LEA'S PITCH THEIR SUPPORT
25 FOR THIS PROPOSAL. AND I HAD SOME SPECIFIC

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1 COMMENTS TO MAKE, BUT I WANTED TO MAKE A VERY
2 GENERAL COMMENT. OUR GROUP REPRESENTS THE 56 LOCAL
3 ENVIRONMENTAL HEALTH DIRECTORS AROUND THE STATE.
4 THEY MANAGE SOME CASES TEN, SOME CASES 20 DIFFERENT
5 PROGRAMS, ENVIRONMENTAL HEALTH PROGRAMS. SOME OF
6 THOSE PROGRAMS DON'T HAVE A STATE CERTIFICATION,
7 AND YET THESE LOCAL AGENCIES ARE ENTRUSTED BY THE
8 STATE, BY THE FEDERAL GOVERNMENT, BY THEIR LOCAL
9 GOVERNMENTS TO PERFORM, IN SOME CASES, MORE
10 CRITICAL ENVIRONMENTAL AND PUBLIC HEALTH FUNCTIONS
11 THAN -- OR AT LEAST EQUIVALENT ENVIRONMENTAL HEALTH
12 FUNCTIONS IN THE LEA PROGRAM.

13 SO MY FIRST POINT REALLY IS THAT I
14 THINK WE NEED TO KEEP IN MIND THAT YOU'RE NOT
15 DEALING WITH A BUNCH OF AMATEURS IN THE LEA'S.
16 THESE ARE CERTIFIED PROFESSIONALS, CERTIFIED REHS'S
17 THAT KNOW THEIR STUFF. THEY HAVE BEEN ENTRUSTED BY
18 THE VERY LOCAL AGENCIES IN WHICH THESE FACILITIES
19 ARE SITED AND WHICH YOU, AS A MEMBER OF THE PUBLIC,
20 LIVE. I'D LIKE TO SET THAT TONE BECAUSE I THINK WE
21 OFTEN FORGET THAT.

22 I'D LIKE TO COMMEND THIS BOARD AND
23 CERTAINLY THE STAFF FOR TAKING THIS PLUNGE, ALBEIT
24 A RATHER SMALL PLUNGE, IN ACTUALLY TRYING TO
25 ADDRESS A FAIRLY CRITICAL DYSFUNCTION THAT WE SAW

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1 THREE OR FOUR YEARS AGO. AND THAT WAS THE
2 DYSFUNCTIONAL RELATIONSHIP BETWEEN THIS STATE AND
3 THE LOCALS. IT OCCURS IN MANY PROGRAMS. AND AS AN
4 ASSOCIATION, WE AT CCDEH ARE COMMITTED TO ADDRESS
5 THIS DYSFUNCTIONAL RELATIONSHIP BETWEEN NOT ONLY
6 WHAT WE SAW WITH THE STATE BOARD, BUT WITH HEALTH
7 SERVICES, WITH DEPARTMENT OF TOXICS, WITH OTHER
8 AGENCIES.

9 IT'S NOT THAT WE'RE GOING FOR A POWER
10 GRAB. WE ARE GENUINELY INTERESTED IN IMPROVING THE
11 RELATIONSHIP BETWEEN THE STATE AND THE LOCALS AND
12 PRIMARILY TO IMPROVE OUR SERVICE, THE DELIVERY OF
13 SERVICE, WITHOUT IN ANY WAY COMPROMISING AND, IN
14 FACT, WE CAN FAIRLY SAY IMPROVING THE PROTECTION OF
15 THE PUBLIC HEALTH AND THE ENVIRONMENT.

16 SO I THINK FROM CCDEH'S PERSPECTIVE,
17 WE WOULD SUGGEST THAT THIS MOVE THAT'S BEING
18 PROPOSED HERE IN NO WAY ABROGATES YOUR
19 RESPONSIBILITY, ABROGATES YOUR AUTHORITY, REDUCES,
20 DIMINISHES YOUR PRESTIGE. IN FACT, IT DOES THE
21 OPPOSITE. IT PUTS YOU ON A HIGHER PLAIN. IT PUTS
22 YOU ON A PLAIN OF BEING AN OVERSEER RATHER THAN
23 NIT-PICKER. AND THIS IS HONESTLY WHAT IT BOILS

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24 DOWN TO.

25 YOU ASSUME A FAR GREATER
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1 RESPONSIBILITY, AND THAT IS TO ENSURE THAT THE
2 LEA'S DO THEIR JOB. THEY MAY DO THEIR JOB IN A
3 SLIGHTLY DIFFERENT WAY, BUT IT'S YOUR JOB TO ENSURE
4 THAT THE WHOLE PROGRAM IS DELIVERED EFFECTIVELY AND
5 EFFICIENTLY. AND I THINK THIS IS THE MECHANISM BY
6 WHICH WE CAN ACHIEVE THIS. AND I COMMEND YOU FOR
7 TAKING THE STEP AND OFFER OUR ASSOCIATION'S 100
8 PERCENT SUPPORT AS WE GO THROUGH THIS PROCESS.
9 THANK YOU.

10 CHAIRMAN PENNINGTON: ANY QUESTIONS?

11 BOARD MEMBER JONES: I HAVE A COMMENT.

12 MR. JUSTIN, WHEN YOU REPRESENT, YOU KNOW, 56
13 DIFFERENT ENVIRONMENTAL HEALTH DIRECTORS, I THINK
14 IT'S PRETTY FAIR THAT NOT EVERY ONE OF THESE 56
15 VIEW WHAT THEY DO EXACTLY THE SAME WAY. THAT IS
16 THE NATURE OF ANY ASSOCIATION.

17 I THINK AB 59 AND WHAT WE ADDED TO
18 THE LEA CERTIFICATION ISSUES, WHEN WE TALKED ABOUT
19 UNEQUAL TREATMENT BETWEEN PUBLIC AND PRIVATE
20 FACILITY TREATMENTS, WERE DRIVEN BECAUSE OF
21 INEQUITIES THAT HAD BEEN GOING ON FOR A LONG
TIME,

22 OKAY, WHERE ONE JURISDICTION TREATED A PUBLICLY

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23 MANAGED FACILITY DIFFERENT THAN A PRIVATELY
MANAGED

24 FACILITY. NOW WE SEE LEA SHOPPING GOING ON.

25 SO I THINK WE HAVE -- YOU KNOW, I
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1 DON'T NEED TO KNOW -- I DON'T NEED TO HEAR THAT
2 THIS PUTS US ON A PEDESTAL BECAUSE I DON'T THINK
3 WE'VE EVER BEEN ON A PEDESTAL. I THINK WHAT OUR
4 JOB IS IS TO ENSURE THE PUBLIC HEALTH AND SAFETY AS
5 IS ENVIRONMENTAL HEALTH DIRECTORS. I THINK WHAT
6 WE'RE NERVOUS ABOUT IS THAT WE SEE PERMITS COME IN
7 FRONT OF US OR WE LISTEN TO PEOPLE THAT ARE WAITING
8 FOR A PERMIT THAT HAVEN'T GOTTEN IN FRONT OF US
9 BECAUSE OF AN LEA THAT'S TAKING A LONG TIME OR
10 BECAUSE OF OUR STAFF TAKING A LONG TIME, AND WE IN
11 THE MIDDLE OF SOME OF OUR WORK HERE ASK QUESTIONS
12 OF LEA'S THAT WE PUT IMPORTANCE ON, LIKE WHAT ARE
13 THE BOUNDARIES, WHAT ARE THE PARAMETERS OF THE
14 FACILITIES THAT -- PHYSICAL PARAMETERS OF THE
15 FACILITY THAT YOU ARE GOING TO BE INSPECTING? AND
16 THEY SAY, WELL, THAT'S NOT IMPORTANT. THAT HAS A
17 TENDENCY TO MAKE US A LITTLE NERVOUS. MAKES ME
18 NERVOUS. AND I THINK IT RAISED SOME ISSUES WITH
19 EVERYBODY ELSE HERE.

20 SO I THINK IT'S FINE THAT YOU WANT TO
21 TAKE A TONE, BUT I THINK YOU HAVE TO UNDERSTAND
22 WE'RE NOT DOING THIS TO SIT ON A PEDESTAL. WE'RE
23 DOING THIS TO ENSURE THE PUBLIC HEALTH AND SAFETY,

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24 AND WE'RE DOING IT TO ENSURE THAT THERE'S EQUAL
25 TREATMENT, AND THAT THE PUBLIC IS PROTECTED, WHICH

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1 IS EXACTLY WHAT YOU'RE TRYING TO DO, BUT I THINK WE
2 JUST NEED TO WORK THROUGH IT BECAUSE THIS IS
3 DIFFERENT.

4 AND I DO GET NERVOUS WHEN AN LEA
5 DOESN'T KNOW WHAT -- DOESN'T SEE THAT THERE IS
6 VALUE IN KNOWING THE PARAMETERS OF A FACILITY
7 CONTAINED WITHIN ANOTHER FACILITY. THAT SCARES ME
8 BECAUSE HE CAN BE DUPED EVERY DAY. AND I'VE DEALT
9 WITH AN AWFUL LOT OF LEA'S IN MY CAREER, AND THERE
10 ARE SOME THAT ARE BETTER THAN OTHERS, BELIEVE ME.

11 SO I JUST WANTED TO MAKE THAT CLEAR,
12 THAT WE'RE NOT TRYING FOR A POWER GRAB OR TO GIVE
13 YOU POWER. WE HAVE TO ALWAYS KEEP IN MIND THAT
14 WE'RE HERE TO ENTRUST THE PUBLIC HEALTH AND SAFETY
15 AND TO MAKE SURE THAT THESE REGS GET US THERE.

16 MR. MALAN: I THINK WE SHARE YOUR
17 SENTIMENT, BOARD MEMBER.

18 CHAIRMAN PENNINGTON: NEXT IS KEN STUART.

19 MR. STUART: MR. CHAIRMAN, MEMBERS OF THE
20 BOARD, I'M KEN STUART. I'M THE NEW DIRECTOR OF
21 ENVIRONMENTAL HEALTH IN CONTRA COSTA COUNTY.
22 PROBABLY HAVE KIND OF A VARIED BACKGROUND IN THE
23 FACT THAT I HAD PLAYED BOTH HATS. I'VE BEEN AN

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24 EMPLOYEE OF THE DEPARTMENT OF HEALTH SERVICES IN

25 CALIFORNIA FOR 11 YEARS, AND THIS IS MY THIRD

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1 COUNTY JOB I'VE BEEN WITH FOR A TOTAL OF 14 YEARS
2 OF LOCAL EXPERIENCE. SO I HONESTLY KNOW THAT
3 THERE'S -- WHEN WE TALK ABOUT THE, SHALL I SAY, THE
4 DISTRUST BETWEEN COUNTY AND STATE, IT GOES BOTH
5 WAYS, THAT THERE'S AN EQUAL DISTRUST BETWEEN STATE
6 AND COUNTY AS WELL AS COUNTY TO STATE.

7 I THIS PAST WEEK WAS VERY FORTUNATE
8 TO ATTEND THE DIRECTORS OF ENVIRONMENTAL HEALTH
9 MEETING AND STARTED WITH THE PRESENTATION ON
10 PROJECT 2000 THAT BOTH DOROTHY RICE AND RALPH
11 CHANDLER PARTICIPATED IN.

12 SINCE I'VE BEEN WITH THE STATE FOR
13 THE LAST COUPLE YEARS WORKING IN DIFFERENT AREAS, I
14 HADN'T BEEN PRIVILEGED TO REALLY SEE WHAT WAS GOING
15 ON HERE. AND TO TELL YOU THE TRUTH, I WAS
16 TREMENDOUSLY IMPRESSED. THIS PROCESS HAS TAKEN ON
17 SOME OF THE EXACT PROBLEMS THAT EXIST BETWEEN
18 COUNTY AND STATE. AND I MUST COMMEND THE BOARD AND
19 YOUR STAFF FOR THE PIONEERING EFFORTS IT'S DONE.

20 AND I SAY PIONEERING BECAUSE I CAN
21 ALSO TELL YOU THAT THE NEXT PANEL THAT CAME ON
22 AFTER THIS INVOLVED THE DEPARTMENT OF HEALTH
23 SERVICES, THAT SAME GROUP I LEFT EMPLOYMENT WITH AT

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24 THE END OF AUGUST. THEY'VE NOW REALIZED THAT THEY
25 HAVE TO PROVIDE THE LEVEL OF PUBLIC HEALTH

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1 PROTECTION THAT IS NEEDED IN CALIFORNIA. THEY HAVE
2 TO LOOK AT THE PROJECT 2000 THAT YOUR BOARD
3 BASICALLY PIONEERED, AND WE'RE NOW WORKING ON A
4 MODEL FOR THAT FOR STATE HEALTH.

5 WHAT THIS TELLS ME IS THERE HAS TO BE
6 A TREMENDOUS AMOUNT OF TRUST BETWEEN THE AGENCIES.
7 THE OTHER THING THAT WAS RATHER AMUSING, MR.
8 CHANDLER WAS TALKING ABOUT THE NEED AS WE WERE
9 TALKING INTERNET. AND, OF COURSE, COMING OUT OF
10 STATE GOVERNMENT, IT WAS -- STATE HEALTH, WE DIDN'T
11 REALLY HAVE INTERNET YET. AND DURING MR.
12 CHANDLER'S PRESENTATION, I WAS BEEPED BY MY
13 SUPERVISOR THAT I HAD LEFT IN CHARGE DOWN IN
14 CONCORD. AT THE BREAK I CALLED HER AND SHE SAID,
15 "KEN," SHE SAYS, "I'VE GOT A REAL PROBLEM." SHE
16 SAID, "THE DATA MANAGEMENT STAFF ARE IN HOOKING UP,
17 AND DID YOU APPROVE HOOKING UP ALL OF THE LEA STAFF
18 WITH THE INTERNET?" AND I SAID, "YES, I DID. GO
19 AHEAD AND DO IT." I SAID, "MATTER OF FACT, MR.
20 CHANDLER JUST ASKED US TO MAKE SURE THAT WE DID
21 IT."

22 THIS LEADS INTO MY FEELING THAT IN
23 THE LAST FEW YEARS WE HAVE A TREMENDOUS AMOUNT OF

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24 NEW COMMUNICATION THAT IS OPEN BETWEEN OUR STAFF

25 AND THE STATE STAFF. AND IT'S GOING TO BE VERY

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1 CHALLENGING AND THOUGH -- AND YET I KNOW AS I WENT
2 BACK TO THE OFFICE YESTERDAY MORNING TO SEE MY
3 STAFF ACTUALLY STARTING TO CALL UP, LOOKING AT THE
4 INTEGRATED WASTE MANAGEMENT BOARD'S WEB SITE, AND
5 STARTING TO COMMUNICATE IS CRITICAL.

6 THE ONLY THINGS I REALLY WANT TO TALK
7 ABOUT TODAY IS THAT WE HOPE THAT YOU WILL GIVE US,
8 THE LEA'S, THE TRUST TO PREPARE ACCEPTABLE PERMITS.
9 AND AS WE GET INTO THE FACT THAT THEY MAY NOT
10 ALWAYS BE PERFECT, THAT WE HAVE THE OPEN COMMUNICA-
11 TION TO KIND OF HEAD US OFF AHEAD OF TIME AND SAY
12 THIS IS MISSING OR THIS ISN'T MISSING. THERE ARE
13 TIMES WHEN OUR STAFF KNOW WHY IT'S MISSING. YOUR
14 STAFF NEED TO KNOW THAT. THERE ARE TIMES YOUR
15 STAFF KNOW SOMETHING IS MISSING. OUR STAFF NEED TO
16 KNOW THAT ALSO.

17 PART OF THE COMMUNICATION PROCESS IS
18 OPEN BETWEEN US. WE TALKED ABOUT AB 1220 WITH
19 OVERLAP, DUPLICATION, CONFRONTATION. AND I HOPE WE
20 COMMIT OURSELVES IN THE NEXT YEARS TO MAKE SURE
21 THAT THAT IS MINIMIZED. IT WILL ALWAYS OCCUR
22 SOMEWHAT, BUT I THINK WE HAVE AN OBLIGATION TO YOU
23 AND YOU TO US TO MAKE SURE THAT WE TOE THE LINE.

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24 THANK YOU.

25 CHAIRMAN PENNINGTON: QUESTIONS OF MR.

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1 STUART? THANK YOU, MR. STUART.

2 NOW WE'LL HAVE DON KOEPP.

3 MR. KOEPP: THANK YOU, MR. CHAIR, MEMBERS
4 OF THE BOARD, MY NAME IS DON KOEPP. I'M THE LEA
5 WITH THE COUNTY OF VENTURA AND BEEN INVOLVED WITH
6 LEA BUSINESS, I GUESS, SINCE NEGLEY-ZEEBURG, AND
7 MAYBE AL MARINO CAN TELL YOU WHEN THAT STARTED. I
8 CAN'T. SO I HAVE BEEN INVOLVED IN THE SOLID WASTE
9 EFFORTS AS IT RELATES TO THE BOARD AND THE
10 INTERACTION BETWEEN THE BOARD AND LEA'S FOR SOME
11 PERIOD OF TIME.

12 I WOULD LIKE TO COMMENT ON A COUPLE
13 OF AREAS. ONE HAD TO DO WITH THE PARTNERSHIP 2000
14 AND THE TRUST BUILDING, WHICH WHATEVER ASSURANCES I
15 CAN GIVE YOU ALL THAT PART OF THAT PROCESS DID
16 BUILD A CERTAIN AMOUNT OF TRUST BETWEEN STATE AND
17 LOCAL AND SO WE ELIMINATE THESE BARRIERS BECAUSE IN
18 ORDER FOR ME TO DO MY JOB, WHICH IS YOUR JOB, AND
19 US TO COOPERATE, THOSE BARRIERS CAN'T EXIST. AND
20 WE HAVE PROBLEMS IN OTHER STATE AGENCIES, AND I
21 THINK THE PROCESS OF PROJECT 2000 WENT A LONG WAYS
22 BETWEEN BUILDING TRUST BETWEEN LEA'S AND THE BOARD
23 AND THE BOARD STAFF AND REPRESENTING, I THINK, THE

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24 BOARD'S INTEREST, SO WE CAN AS LEA'S BETTER

25 UNDERSTAND YOUR ALL COLLECTIVE INTEREST AS A BOARD.

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1 AND THAT'S THE RESPONSIBILITY THAT WE
2 HAVE. ONE OF THE OUTGROWTHS OF PARTNERSHIP 2000
3 THAT IS STILL BEING WORKED ON AND IT'S AN ONGOING
4 RESPONSIBILITY OF THE BOARD AND THE LEA'S, BECAUSE
5 WE HAVE COMMITTED OUR STAFF AND TIME, HAS TO DO
6 WITH TRAINING. AND THERE HAS BEEN A MASSIVE
7 TRAINING EFFORT GO FORWARD THIS YEAR, AND I BELIEVE
8 THERE'S SOME 26 TRAINING SESSIONS COVERING SIX
9 DIFFERENT IMPORTANT TECHNICAL TOPICS THAT WE WERE
10 INVOLVED IN ACROSS THE STATE THIS YEAR, AND THERE'S
11 MORE TO COME FORWARD NEXT YEAR.

12 SO I CAN SAY THAT WE'RE TRYING TO
13 IMPROVE. YOUR STAFF AND YOUR BOARD IS TRYING TO
14 HELP US TO IMPROVE, AND WE ACCEPT THAT AS POSITIVE.
15 IF WE NEED TO IMPROVE AND THERE ARE AREAS WHERE WE
16 ARE CALLED OUT FOR IMPROVEMENT, THEN, OF COURSE, WE
17 NEED TO PARTICIPATE IN THAT.

18 ALSO, I THINK ONE OF THE ELEMENTS HAD
19 TO DO WITH THE GOALS AND OBJECTIVES THAT CAME
20 BEFORE YOUR BOARD OF THE P&E DIVISION WAS TALKED
21 ABOUT GIVING THE BEST ASSISTANCE AND BEING THE BEST
22 TECHNICAL EXPERTS IN THEIR FIELD. AND WE
23 APPRECIATE THAT, AND I THINK THAT'S GOING TO ALLOW
24 US TO DO A BETTER JOB.

25 FINALLY, ANOTHER AREA THAT WE'RE ALL

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1 WORKING FOR AT THE LOCAL LEVEL, AND I THINK PART OF
2 THIS PROCESS IS WORKING ON IS A LITTLE BIT OF TOTAL
3 QUALITY MANAGEMENT. WE'RE TRYING TO PERMIT, WE'RE
4 TRYING TO STREAMLINE, WE'RE TRYING TO UNDERSTAND
5 OUR CUSTOMERS, WHICH BOARD MEMBER JONES RECOGNIZED
6 IS WE'RE TRYING TO GET PERMITS TO PEOPLE. THOSE
7 ARE OUR CUSTOMERS, AND WE'RE TRYING TO DO THAT
8 EFFICIENTLY, EFFECTIVELY, AND MEET OUR PRIMARY
9 RESPONSIBILITY, WHICH, I THINK, IS IN PRC 45000,
10 WHICH IS PROTECTION OF PUBLIC HEALTH AND SAFETY AND
11 THE LONG-TERM PROTECTION OF THE ENVIRONMENT.
12 THAT'S THE PURPOSE OF A PERMIT. AND I THINK ALL OF
13 US UNDERSTAND THAT AND WE'RE ALL BEHIND THAT AND
14 ARE TRYING TO DELIVER THAT PRODUCT TO YOUR BOARD.

15 LASTLY, I'D LIKE TO COMMENT ON
16 PROFESSIONALS. THESE ARE PUBLIC HEALTH
17 PROFESSIONALS. I HAVE REGISTERED ENGINEERING
18 GEOLOGISTS, REGISTERED PROFESSIONAL ENGINEERS. I'M
19 A REGISTERED ENVIRONMENTAL HEALTH SPECIALIST. BEEN
20 INVOLVED IN PUBLIC HEALTH AND SAFETY MATTERS IN THE
21 STATE OF CALIFORNIA FOR OVER 30 YEARS. AND WE TAKE
22 THAT VERY SERIOUSLY. AND I WOULD HOPE ALL LEA'S DO
23 TAKE THAT SERIOUSLY.

24 AND FINALLY, THE ACCOUNTABILITY
25 QUESTION. I KNOW THE CALIFORNIA CONFERENCE OF

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1 ENVIRONMENTAL HEALTH DIRECTORS, WHICH HAS MANY OF
2 THE LEA'S, HAS SUPPORTED THE BOARD ON THE
3 ACCOUNTABILITY ISSUE. AND I HAPPENED TO BE AT THE
4 P&E COMMITTEE IN JULY WHEN MR. JONES RAISED THAT
5 PARTICULAR QUESTION ABOUT ACCOUNTABILITY. AND WE
6 SUPPORT THE BOARD ON ACCOUNTABILITY FOR LEA'S. AND
7 IF LEA'S IN YOUR OVERSIGHT ROLE ARE NOT PERFORMING
8 TO YOUR EXPECTATIONS, THEN I THINK THE CONFERENCE
9 HAS SUPPORTED AND ALWAYS SUPPORTED YOUR BOARD
10 TAKING WHATEVER NECESSARY ACTION.

11 WITH THAT, THAT WILL BE MY FINAL
12 COMMENT. I WOULD LIKE TO THANK THE BOARD FOR THE
13 NICE RESOLUTION THAT RALPH DELIVERED AT OUR ANNUAL
14 CONFERENCE. I DON'T KNOW WHERE YOU FIND OUT ALL
15 THE DETAILS, AND I HOPE YOU DON'T TAKE IT BACK NOW
16 THAT I MADE THESE COMMENTS, BUT THANK YOUR BOARD
17 VERY MUCH FOR THE RECOGNITION OF THE WORK I'VE BEEN
18 ABLE TO WORK WITH RALPH AND YOUR BOARD AS WELL AS
19 CCDEH. I DO APPRECIATE IT. THANK YOU.

20 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
21 KOEPP?

22 BOARD MEMBER CHESBRO: I HAVE SOME
23 COMMENTS, MR. CHAIRMAN. THIS IS NOT NECESSARILY

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24 JUST FOR YOU PERSONALLY, BUT WE'VE GOT A COUPLE OF
25 THE BEST LEA'S HERE BEFORE THE BOARD. I THINK IT

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1 DEMONSTRATES THAT NOT ONLY HAVE WE BEEN WORKING
2 HARD TO UPGRADE LEA'S, BUT ALSO THAT THERE ARE SOME
3 GOOD PEOPLE THAT HAVE BEEN OUT THERE WORKING IN THE
4 FIELD FOR A LONG TIME.

5 AND IT'S REALLY ODD FOR ME TO BE CAST
6 IN THE ROLE HERE BECAUSE ONE OF THE REASONS I
7 WANTED TO GET ON THIS BOARD WAS BECAUSE I WANTED TO
8 MAKE THIS A DIFFERENT KIND OF A RELATIONSHIP
9 BETWEEN LOCAL JURISDICTIONS AND THE STATE. AND
10 CLEARLY WITH -- IN THE PAST WITH VARIOUS STATE
11 AGENCIES, INCLUDING THE OLD WASTE BOARD, THERE WAS
12 A TREMENDOUS IMBALANCE.

13 BUT I ALSO THINK THAT, CLEARLY, THERE
14 HAS TO BE A BALANCE, AND THAT MEANS THAT THE
15 STATUTORY ROLE THAT WAS CREATED FOR A STATE
16 CONCURRENCE IN THAT PERMIT HAS A PURPOSE, AND IT'S
17 NOT JUST A RUBBER STAMP. AND SO THERE'S AN
18 OVERSIGHT ROLE THAT DOESN'T JUST INVOLVE THE
19 ONGOING ASSESSMENT. IT INVOLVES LOOKING AT THOSE
20 INDIVIDUAL PERMITS AND DETERMINING WHETHER THEY
21 ADEQUATELY MEET STATE STANDARDS.

22 AND SO I THINK THE THING HAS GONE IN
23 A DIRECTION NOW WHERE THERE'S A POTENTIAL FOR

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24 IMBALANCE IN THE OTHER DIRECTION WHERE THE BOARD
25 MAY NOT HAVE THE TOOLS TO DO ITS JOB. AND SO I

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1 WANT TO MAKE IT CLEAR THAT MY CONCERNS -- I'VE
2 TRIED TO SAY THIS REPEATEDLY, BUT I WANT TO SAY IT
3 AGAIN, MY CONCERNS ARE NOT OUT OF A CHANGE OF ANY
4 BELIEF THAT UPGRADING THE LEA'S AND GIVING THEM THE
5 TOOLS AND BUILDING A STRONGER RELATIONSHIP IS A
6 NECESSITY BECAUSE IT IS, AND I STRONGLY SUPPORT
7 THAT. BUT THAT HAS TO BE TAKEN IN BALANCE WITH THE
8 ONGOING ROLE OF THIS BOARD AS THE RESPONSIBLE PARTY
9 FOR CONCURRING IN THOSE PERMITS, AND WE HAVE TO
10 HAVE THE ABILITY TO, GIVEN, AS I SAID EARLIER, THE
11 LACK OF 100 PERCENT PERFECTION, AND YOU'VE SAID A
12 LOT ABOUT HOW MUCH BETTER THE LEA'S ARE AND HOW
13 PROFESSIONAL AND GOOD THEY ARE, BUT I DOUBT THAT
14 YOU'D SAY THAT THEY'RE A HUNDRED PERCENT PERFECT.

15 GIVEN THAT, WE HAVE TO BE IN A
16 POSITION TO BE ABLE TO INDEPENDENTLY ANALYZE
17 CONFLICTING POINTS OF VIEW THAT COME BEFORE THE
18 BOARD, AND WE'RE GOING TO GET THEM, AND THE LEA IS
19 GOING TO BE CAST AS ONE OF THE COMPETING PLAYERS IN
20 AN ISSUE RATHER THAN JUST THE PRIMARY REGULATOR,
21 AND THE BOARD HAS TO HAVE THE ABILITY TO ANALYZE
22 WHETHER OR NOT THE LEA HAS ADEQUATELY DONE ITS JOB
23 OR NOT IN THAT SPECIFIC SITUATION, NOT JUST THE

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24 OVERALL BIG UMBRELLA, BUT THAT WHEN THAT

25 CONTROVERSY IS BEFORE US. AND I CAN TELL YOU

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1 WHEN -- NOTHING AGAINST THE RIVERSIDE LEA, BUT I
2 CAN TELL YOU WHEN EAGLE MOUNTAIN BECOMES BEFORE ME,
3 I'M GOING TO WANT A WHOLE LOT MORE THAN A CERTIFI-
4 CATION OF A CHECKLIST WHEN I HAVE TO VOTE ON ONE OF
5 THE LARGEST LANDFILLS IN HUMAN HISTORY, YOU KNOW.
6 THAT'S JUST ONE EXAMPLE, BUT I COULD ALSO GIVE YOU
7 FOUR, FIVE, OR SIX THAT WE'VE HAD BEFORE US IN THE
8 LAST COUPLE OF YEARS THAT HAVE BEEN DARN TOUGH
9 ISSUES WHERE THE LEA'S WORK HAS BEEN QUESTIONED
10 AND -- BY PARTIES THAT I THINK THIS BOARD HAD TO
11 LISTEN TO AND TAKE SERIOUSLY WHETHER OR NOT THE
12 QUESTIONING WAS -- TURNED OUT TO BE CORRECT OR NOT.

13 SO I'M NOW PUT IN THIS POSITION WHERE
14 WE'VE COME SO FAR THAT I HAVE TO BE AN ADVOCATE FOR
15 THE BOARD'S PREROGATIVE. I DIDN'T EXPECT THAT SIX
16 YEARS AGO. I GUESS THAT'S GOOD NEWS FROM A LOCAL
17 GOVERNMENT STANDPOINT, THAT WE'VE EVOLVED TO THE
18 POINT WHERE WE HAVE TO BE ASSURED THAT IT DOESN'T
19 GET IMBALANCED IN THE OTHER DIRECTION.

20 MR. KOEPP: WELL, JUST SPEAKING PERSONALLY
21 AS AN LEA, I SUPPORT YOUR BOARD'S CRITICAL REVIEW
22 OF PERMITS AND WOULD EXPECT A HIGH LEVEL OF
23 ACCOUNTABILITY BECAUSE IF YOU RAISE THE BAR, WHICH

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24 IS FINE, THEN WE ALL HAVE A LITTLE HIGHER TO JUMP,
25 AND WE SHOULD BE EXPECTED. I ACTUALLY SEE THIS

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1 WITH THE CERTIFICATION, WE'RE SIGNING OUR NAME ON
2 THE LINE AS OPPOSED TO PRESENTING A PERMIT. SO
3 ACTUALLY THE BAR IS RAISED A LITTLE BIT WHERE WE'RE
4 SIGNING A CERTIFICATION WHETHER, LIKE A WET STAMP,
5 SET OF PLANS, WE HAVE SOME ACCOUNTABILITY NOW BEING
6 BUILT IN WHICH IS A LITTLE BIT HIGHER. AND I WOULD
7 ENCOURAGE YOUR BOARD TO CONTINUE.

8 FROM MY POINT OF VIEW OF RAISING THE
9 BAR AS IT RELATES TO LEA AND DO CRITICAL REVIEW,
10 THAT MAKES ALL PERFORM BETTER AND ACROSS THE STATE.
11 SO I SUPPORT, I THINK, EXACTLY WHERE YOU'RE COMING
12 FROM, BOARD MEMBER CHESBRO.

13 CHAIRMAN PENNINGTON: THANK YOU VERY MUCH.
14 OKAY. NEXT IS PAM BENNETT.

15 MS. BENNETT: I GUESS I SHOULD SAY GOOD
16 AFTERNOON, CHAIRMAN PENNINGTON AND MEMBERS OF THE
17 BOARD. I'M JUST STARTING MY FIRST TERM AS THE
18 CHAIR OF THE SOLID WASTE POLICY COMMITTEE. I'VE
19 BEEN ON THE BOARD FOR FOUR YEARS, AND I'VE SEEN A
20 LOT OF CHANGES OCCUR IN -- YOU MAY TALK ABOUT SOME
21 OF THE PERMITS THAT OVER THE LAST FOUR OR FIVE
22 YEARS MAY NOT HAVE BEEN ADEQUATE, BUT WHAT WE SEE
23 IS, ESPECIALLY IN THE LAST YEAR OR TWO, THE QUALITY

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24 HAS COME UP TREMENDOUSLY, AND THAT'S BEEN A

25 COOPERATIVE EFFORT BETWEEN THE STATE AND THE

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1 LOCALS.

2 I WANTED TO TELL YOU WHAT OUR
3 COMMITTEE DOES. IT'S A SOLID WASTE POLICY
4 COMMITTEE. WE REPRESENT THE CITIES AND THE
5 COUNTIES THAT ARE LEA'S. WE COORDINATE WITH THE
6 STATE ADMINISTRATIVE STAFF, AND DOROTHY ATTENDS OUR
7 MEETING EVERY MONTH, AND RALPH ATTENDS
8 OCCASIONALLY. WE MAKE RECOMMENDATIONS TO OUR
9 EXECUTIVE COMMITTEE ON POLICY FOR THE CONFERENCE TO
10 TAKE, AND WE ALSO REVIEW AND COMMENT ON PROPOSED
11 LEGISLATION. IN SOME CASES WE EVEN TALKED ABOUT
12 SPONSORING LEGISLATION THAT WE MAY FEEL IS
13 NECESSARY.

14 BUT AS DIRECTORS OF THE COUNTIES AND
15 CITIES, WE EXPECT YOU TO HOLD US ACCOUNTABLE. WE
16 DO NOT -- WE DON'T LIKE TO HAVE PEOPLE OUT THERE
17 WHO AREN'T DOING THE JOB THAT YOU EXPECT. SO
18 THAT'S WHY WE'D LIKE TO KEEP OPEN DIALOGUE WITH YOU
19 AND NOT LET FOUR OR FIVE YEARS GO BY; BUT IF THERE
20 IS A PERMIT, LET US KNOW EACH MONTH IF THERE'S
21 SOMETHING AND MAYBE WE COULD START THAT PROCESS
22 WITH THE FIRST PERMITS, EVERY MONTH A SMALL

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23 CRITIQUE OF WHAT MAY HAVE BEEN LACKING OR WHAT YOU
24 MIGHT LIKE TO HAVE SEEN THAT WAS PRESENTED IN A
25 DIFFERENT WAY OR MORE INFORMATION THAT COULD BE
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1 PRESENTED. BECAUSE WE ABSOLUTELY EXPECT OUR STAFF
2 TO PREPARE PERMITS THAT ARE ACCEPTABLE TO YOU.

3 TODAY I HOPE THAT THE FACT THAT I HAD
4 FOUR PERMITS, SAN BERNARDINO COUNTY HAD FOUR
5 PERMITS ON THE CONSENT CALENDAR IS SOME
6 ILLUSTRATION THAT WE ARE DOING SOMETHING RIGHT,
7 THAT WE'RE PREPARING THINGS THAT ARE ADEQUATE AND
8 MEET YOUR NEEDS.

9 AND, LIKE I SAID, I WOULD WELCOME
10 YOUR COMMENTS. I'M SURE WE'RE GOING TO RECEIVE
11 SOME TODAY, BUT DON'T LET IT BE JUST TODAY,
12 INFORMALLY OR FORMALLY. ALSO, YOU COULD SEND THEM
13 THROUGH DOROTHY, OR I'LL BE WILLING TO COME UP AND
14 MEET WITH YOU INDIVIDUALLY TO GET YOUR COMMENTS ON
15 HOW THE PERMIT PROCESS IS GOING.

16 IN CONCLUSION, WE AS DIRECTORS PLAN
17 TO HAVE OUR STAFF PREPARE PERMITS THAT ARE
18 ACCEPTABLE AND ALWAYS BETTER THAN THEY HAVE BEEN IN
19 THE PAST, THE HIGH QUALITY THAT WILL BE ACCEPTABLE
20 TO YOU FOR CONCURRENCE. THANK YOU VERY MUCH. ANY
21 QUESTIONS?

22 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MS.
23 BENNETT? THANK YOU. NEXT IS KEN CALVERT.

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24 MR. CALVERT: THANK YOU, CHAIRMAN

25 PENNINGTON, MEMBERS OF THE BOARD. I'M KEN CALVERT

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1 WITH SAN DIEGO COUNTY LEA. I'M HERE ON BEHALF OF
2 MY DIRECTOR. AND I'D LIKE TO AGAIN SPEAK IN
3 SUPPORT OF THE AGENDA ITEM YOU HAVE BEFORE YOU.

4 I THINK THE RELATIONSHIPS THAT ARE
5 EXPRESSED IN THAT AGENDA ITEM, THOSE HAVE BEEN
6 WORKED OUT THROUGH A VARIETY OF PROCESSES. I THINK
7 YOU'VE HEARD ABOUT PROCESS 2000, BUT ALSO LEA ROUND
8 TABLES AND ALL THE VARIOUS WAYS THAT BOARD STAFF
9 HAVE BEEN COMMUNICATING AND WORKING WITH LEA'S.

10 I THINK THE ROLES AND RELATIONSHIPS
11 EXPRESSED THERE HAVE BEEN HARD EARNED AND SOMETIMES
12 EVEN PAINSTAKINGLY ACHIEVED. AND THAT'S BEEN
13 EARNED IN WORK GROUPS WITH INDUSTRY AND ALSO WITH
14 ENVIRONMENTAL GROUPS IN THE IMPLEMENTATION OF TITLE
15 27.

16 AND SOMEWHERE IN THAT PROCESS I THINK
17 THAT LEA'S AND BOARD STAFF HAVE BECOME PARTNERS.
18 AND IN SOME WAYS WE'VE DISCOVERED THOSE THINGS WE
19 HAVE IN COMMON. WE'VE ALSO COME TO UNDERSTAND OUR
20 DIFFERENCES.

21 ONE OF THE THINGS I'D LIKE TO AGAIN
22 EXPRESS MY APPRECIATION AND SUPPORT FOR IS THE
23 INCREASED ROLE AND TRAINING AND THE COMMITMENT TO
24 TECHNICAL SUPPORT THAT THE BOARD HAVE EXPRESSED. I
25 STILL BELIEVE THAT THAT'S THE BEST AND MOST

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1 EFFECTIVE WAY FOR THIS BOARD TO ACHIEVE ITS GOAL OF
2 STATEWIDE CONSISTENCY IN THE PERMITTING PROCESS,
3 AND I THINK FOCUSED AND CONSISTENT TRAINING BEST
4 ENABLES ENVIRONMENTAL PROTECTION SIMPLY BECAUSE IT
5 INCREASES THE ABILITY OF LEA'S WHO ARE AT THE LOCAL
6 LEVEL TO DO THEIR JOBS.

7 FROM OUR POINT OF VIEW, THIS PROCESS
8 IS SIMPLY ASKING US TO CERTIFY SOMETHING THAT WE'VE
9 BEEN RESPONSIBLE FOR ALL ALONG. AND WHAT'S NEW IS
10 PERHAPS THE BOARD AND BOARD STAFF'S ACKNOWLEDGEMENT
11 OF THAT ROLE.

12 I GUESS I BELIEVE IN THIS PROCESS
13 THAT'S ARTICULATED HERE. I THINK IT SAFEGUARDS THE
14 ENVIRONMENT, IT HELPS PROTECT PUBLIC HEALTH AND
15 SAFETY, AND YET I THINK IT HELPS TO AVOID SOME OF
16 THE COSTLY AND UNNECESSARY OVERLAP AND DUPLICATION
17 THAT'S INHERENT IN THIS PROCESS. I THINK THE
18 PERMIT PROCESS FOR US IS THE MOST EXPENSIVE AND
19 TIME-CONSUMING ACTIVITY THAT WE UNDERTAKE.

20 I ALSO THINK THAT'S AS IT SHOULD BE,
21 BUT I THINK WHERE THERE'S A CHANCE TO REDUCE
22 OVERLAP, THERE'S A CHANCE TO AVOID DUPLICATION AND
23 STILL LOWER COST, YET PROTECT THE ENVIRONMENT, I

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24 THINK WE SHOULD DO IT.

25 I 'D JUST ENCOURAGE YOUR ENDORSEMENT
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1 OF THIS PACKAGE. SOMETIMES PERHAPS THE LEA'S ARE
2 SOMETIMES PERPLEXED AT THE BOARD'S HESITATION, BUT
3 WE HAVE ENJOYED THE RELATIONSHIP THAT WE'VE WORKED
4 THROUGH WITH BOARD STAFF. I JUST THANK YOU.

5 CHAIRMAN PENNINGTON: THANK YOU, MR.
6 CALVERT? ANY QUESTIONS OF MR. CALVERT? THANK
7 YOU. NEXT IS LARRY SWEETSER.

8 MR. SWEETSER: GOOD AFTERNOON. LARRY
9 SWEETSER, DIRECTOR OF REGULATORY AFFAIRS, NORCAL
10 WASTE SYSTEMS. I'VE BEEN WARNED BY MEMBERS OF THE
11 AUDIENCE I HAVE TEN MINUTES AT THE MOST.

12 I WANT TO CONTINUE OUR SUPPORT OF THE
13 AB 1220 PROCESS. WE WERE THERE IN THE BEGINNING OF
14 IT AND FULLY ENDORSE THOSE CONCEPTS, ESPECIALLY THE
15 REMOVAL OF DELINEATION AND OVERLAP BETWEEN
16 AGENCIES.

17 WE MAY BE NAIVE IN THINKING THAT WE
18 CAN ESTABLISH CLEAR LINES OF AUTHORITY BETWEEN
19 AGENCIES, BUT WE'RE GOING TO KEEP TRYING TO GET
20 THAT OUT THERE BECAUSE I THINK IT HELPS EVERYONE TO
21 HAVE A CLEAR UNDERSTANDING OF WHAT WE'RE SUPPOSED
22 TO DO AND NOT SUPPOSED TO DO AS OPPOSED TO TWO
23 PEOPLE TELLING US TO DO DIFFERENT THINGS. THAT
24 HAPPENS TOO OFTEN.

25 WE'RE ALSO BIG SUPPORTERS OF THE LEA

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1 CONCEPT. I THINK IT'S MORE TO A SOLID WASTE
2 FACILITY OPERATION THAN WHAT YOU WILL SEE IN THE
3 PUBLIC RESOURCES CODE OR TITLE 14. A LOT OF THINGS
4 NEED TO BE TAKEN INTO ACCOUNT, AND A LOCAL PRESENCE
5 DOES THAT FOR US. I THINK IT ALSO SATISFIES A LOT
6 OF THE PUBLIC'S CONCERN THAT THERE'S SOMEBODY LOCAL
7 THEY CAN CALL AND GO TO FOR CONCERNS AND ISSUES. I
8 THINK IT'S A PROCESS THAT NEEDS TO CONTINUE. I
9 DON'T THINK WE'RE GOING TO GET TOO FAR AWAY FROM
10 THAT.

11 WE'RE ALSO SUPPORTIVE AND COMFORTABLE
12 WITH THE CHANGES PROPOSED IN THIS PACKAGE AS FAR AS
13 WHAT'S GOING ON WITH THE PROCESS. I THINK IT'S
14 JUST A SMALL STEP IN THAT DIRECTION. I DON'T THINK
15 A DRAMATIC CHANGE IS HAPPENING, BUT I THINK WHAT
16 YOU'RE SEEING IS PROGRESS. IT'S SLOW AND STEADY,
17 BUT I THINK WE'RE GETTING THERE. THE EXAMPLE IS
18 THE TRAINING PROGRAM THAT'S GOING ON WITH LEA'S.
19 TO SOME EXTENT YOU'VE INVOLVED US AS OPERATORS, AND
20 I THINK THAT'S BEEN EXTREMELY HELPFUL TO HAVE ALL
21 THREE PARTIES IN THE SAME ROOM TRYING TO UNDERSTAND
22 THE SAME ISSUES.

23 THE PROCESS ITSELF FOR REVIEW I THINK

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24 HAS BEEN SUCCESSFUL FOR YEARS. THE BOARD HAS BEEN
25 APPROVING MANY PERMITS. YOU GET MANY PERMITS THAT

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1 ARE ON CONSENT CALENDARS. A LOT OF ISSUES ARE
2 ADDRESSED. THE REASON I THINK YOU'RE SEEING THE
3 ISSUE NOW IS -- WE'LL ADMIT ALSO THAT NOT ALL LEA'S
4 ARE PERFECT, BUT I THINK MOST ARE REASONABLE, MOST
5 ARE FAIRLY COMPETENT. BUT IF NOT, YOU HAVE TOOLS
6 UNDER THEIR CERTIFICATION TO GO AFTER THEM.

7 WHAT YOU'RE SEEING, I THINK, IS MORE
8 OF A FUNDAMENTAL FLAW IN THE PROCESS. I POINTED
9 THAT OUT A NUMBER OF MONTHS AGO. YOU ARE SEEING A
10 LOT OF THE WORK NOW A LITTLE BIT MORE PUBLICLY OF
11 WHAT GOES INTO GETTING THESE PERMITS CRAFTED AND
12 PRESENTED TO YOU. DESPITE HOW LEA'S KNOW OUR
13 SITES, THEY'RE OUT THERE EVERY MONTH. WE STILL
14 SPEND A LOT OF TIME ARGUING WITH THEM OVER WHAT
15 SHOULD AND SHOULDN'T BE IN WRITING. THERE'S A LOT
16 OF CONCERN ON THOSE OF US AS OPERATORS ON PUTTING
17 THINGS IN WRITING SO ONCE THEY'RE IN WRITING,
18 THEY'RE BINDING, THEY'RE ENFORCEABLE, AND THOSE
19 ISSUES ARE OUT THERE.

20 SO EVEN WITH THEIR FAMILIARITY, WE
21 SPEND A LOT OF TIME ARGUING. I THINK WHAT YOU'VE
22 SEEN PRESENTED IS A FEW PERMITS WHERE THAT PROCESS
23 HAS NOT TAKEN PLACE DUE TO LACK OF TIME, AS WELL

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AS

24 A FEW OTHER ISSUES.

25 RECENTLY ON OUR PERMIT ALSO YOU SAW

A

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1 NUMBER OF ISSUES THAT WE WERE RAISING. THAT WAS
2 UNUSUAL FOR US, BUT WE HAD NO CHOICE TO RAISE AS
3 FAR AS INCONSISTENCIES BETWEEN AGENCIES. AND WE
4 WERE DEBATING TERMS AND CONDITIONS IN OUR PERMIT.
5 A PERMIT IS NOT THE APPROPRIATE PLACE TO BE DOING
6 THAT. I'VE SAID IT BEFORE AND I'LL KEEP SAYING
7 THAT, BUT WE HAD TO DO THAT BECAUSE THERE ISN'T
8 CLEAR DELINEATION OF THOSE ISSUES. AND I DON'T
9 THINK THAT'S INDICATIVE OF THE WASTE BOARD STAFF OR
10 THE LEA'S FOR THE MOST PART. IT'S NOT THE
11 PERSONALITY ISSUE THERE OR EVEN US WITH OPERATORS.

12 I THINK WE NEED TO GET INTO THE
13 PROCESS ISSUE, AND I THINK THE BOARD IS GETTING
14 THERE THROUGH A NUMBER OF MECHANISMS AS FAR AS WHAT
15 IS A PERMIT. AND THAT'S PART OF WHAT THE PCP
16 PROGRAM IS ADDRESSING; AND I THINK ONCE THAT
17 PROGRAM GETS UNDER WAY AND WE START ADDRESSING WHAT
18 ACTUALLY A SOLID WASTE PERMIT IS, YOU WILL START
19 SEEING LESS OF THESE PROBLEMS OUT THERE. AND THAT
20 PROPOSAL, I THINK, IS STARTING.

21 YOU'VE HAD A LOT OF MEETINGS WITH THE
22 LEA'S AND THE BOARD STAFF TRYING TO GET SOME
23 CONSENSUS. I UNDERSTAND THE NEED TO DO THAT WITH

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24 THEM FIRST, BUT I HOPE YOU DON'T WAIT TOO LONG

25 BEFORE YOU INVOLVE THOSE OF US AS OPERATORS OR EVEN

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1 THE PEOPLE WE HAVE PREPARING THOSE DOCUMENTS, SO WE
2 CAN UNDERSTAND UP FRONT WHAT GOES INTO A DOCUMENT
3 AS OPPOSED TO LATER WHEN A DOCUMENT HAS BEEN
4 SUBMITTED, WE'RE ON A CLOCK, AND THEN THESE ISSUES
5 COME BACK TO US. I THINK THAT'S A CRITICAL PORTION
6 OF IT.

7 WE ALSO NEED THE DEFINITIONS OF WHAT
8 IS SUPPOSED TO BE IN THE PERMIT, WHAT IS OUT OF THE
9 PERMIT. YOU ARE GOING CONTINUE TO SEE THAT
10 CONTROVERSY UNTIL THIS ISSUE IS SETTLED, AND I
11 SUSPECT IT WILL GET EVEN HOTTER THAN SOME OF THE
12 ONES IN THE PAST.

13 WE MAY ALSO NEED TO REVISIT SOME OF
14 THE ISSUES WE'VE LOOKED AT, AND I THINK WHAT HAS
15 BROUGHT THIS WHOLE ISSUE TO LIGHT MORE FOR YOUR
16 STANDARDIZED TIERS WHERE YOU ARE UNDER LESS TIME
17 CONSTRAINTS THAN YOU HAD BEFORE, AND THINGS GET
18 FORCED UPON YOU THAT AREN'T QUITE READY. PART OF
19 THAT IS PEOPLE NEED THESE THINGS FASTER, PART OF IT
20 IS JUST THAT THEY'RE JUST NOT PREPARED PROPERLY.
21 AND THAT IS NOT AS MUCH AN LEA OR EVEN AN OPERATOR
22 ISSUE AS WE JUST DON'T KNOW IN SOME CASES HOW TO
23 PREPARE THOSE DOCUMENTS.

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24 THE OTHER THING TO POINT OUT IS THAT
25 UNDER AB 1220, WE'VE CREATED THE JOINT TECHNICAL
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1 DOCUMENTS. YOU HAVEN'T SEEN TOO MANY OF THOSE YET.
2 YOU WILL BE SEEING MORE OF THOSE ON THE LANDFILL
3 SIDE. THOSE DOCUMENTS HELP US. IT'S ONE DOCUMENT
4 WE PREPARE INSTEAD OF TWO, ONE COST INSTEAD OF TWO.
5 WE DON'T HAVE TO PAY CONSULTANTS TO CUT AND PASTE
6 THESE THINGS IN DIFFERENT PLACES. THERE'S GOING TO
7 BE SOME DANGERS WITH THAT, AND YOU ARE GOING TO BE
8 SEEING INFORMATION IN THERE YOU MAY NOT HAVE SEEN
9 BEFORE THAT IS WATER BOARD RELATED. HOW YOU PUT
10 THE BLINDERS ON PEOPLE TO LOOK AT THAT INFORMATION
11 IS GOING TO BE VERY DIFFICULT.

12 FROM OUR PERSPECTIVE, WE'RE NOT
13 ASKING THAT YOU ENTIRELY PUT BLINDERS ON, THAT YOU
14 CAN'T LOOK AT THE INFORMATION. BY ALL MEANS LOOK
15 AT IT, GET SOME CLARITY OVER WHAT THAT INFORMATION
16 IS, BUT DON'T USE IT FOR DECISION-MAKING. DON'T
17 USE IT TO DECIDE ON A PERMIT OR NOT. THAT'S WHAT
18 1220 WAS FOR IS TO GET THAT DELINEATION BETWEEN THE
19 AGENCIES.

20 AND IT DOESN'T MEAN THAT BOARD
21 MEMBERS CAN'T ASK QUESTIONS. WE'VE BEEN IN MANY
22 MEETINGS WITH YOU WHERE YOU'VE RAISED SOME VERY
23 IMPORTANT QUESTIONS THAT HADN'T BEEN BROUGHT TO

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24 LIGHT EARLIER. WE APPRECIATE THAT. I KNOW THE

25 LEA'S SHOULD APPRECIATE THAT AS WELL. I DON'T

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1 THINK THIS PROCESS TAKES THAT AWAY. IT JUST MAY
2 MEAN YOU ASK THE PERSON THAT'S MORE DIRECTLY
3 INVOLVED BECAUSE MANY TIMES THE QUESTION YOU ASK OF
4 US OR THE LEA OR THE BOARD STAFF IS ACTUALLY -- THE
5 ANSWERS ARE COMING BACK FROM THE LEA'S.

6 SO I THINK OVERALL WE'RE SUPPORTING
7 THE 1220 CONCEPT BY CONTINUING SUPPORT OF THIS
8 PACKAGE. I THINK WE NEED TO GET THOSE DEFINITIONS
9 IN PLACE AS SOON AS WE CAN OVER WHAT'S IN OUR
10 PERMITS TO ELIMINATE SOME OF THE PROBLEMS THAT
11 YOU'VE ENCOUNTERED LATELY. AND I THINK THAT'S
MORE

12 THE SOURCE OF THE PROBLEM THAT YOU'VE SEEN THAN
13 PERSONALITIES OF CERTAIN INDIVIDUALS.

14 SO LET'S SET THE STANDARDS. LET'S
15 SET THE RULES, MAKE SURE WE ALL KNOW WHAT THEY
ARE.

16 AND I THINK YOUR JOB WILL BE A LOT EASIER, AND I
17 KNOW MINE WILL TOO. THANK YOU.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
MR.

19 SWEETSER? IF NOT, WE'LL HEAR FROM OUR FINAL
20 PERSON, CLINT WHITNEY.

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21 MR. WHITNEY: GOOD AFTERNOON, CHAIRMAN
22 PENNINGTON AND BOARD MEMBERS. IT'S RATHER
23 FORTUITOUS THAT I WAS EVEN UP HERE TODAY BECAUSE I
24 DIDN'T KNOW THIS DISCUSSION WAS GOING ON. BUT
25 SINCE I HAVE HAD SOME EXPERIENCE ON BOTH SIDES OF

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1 THE EQUATION, I THOUGHT I MIGHT MAKE A COUPLE OF
2 OBSERVATIONS THAT MIGHT BE HELPFUL TO YOU IN THIS
3 DISCUSSION.

4 THE FIRST IS THAT I THINK IT'S
5 REMARKABLE THAT YOU'RE EVEN HAVING THIS DISCUSSION
6 GIVEN THE EVOLUTION OF AB 939. AS YOU RECALL OR AT
7 LEAST MY BEST RECOLLECTION OF THE RESULT OF AB 939,
8 IT REALLY SPOKE TO THE RECYCLING PART OF THIS
9 BUSINESS PRIMARILY. THE ENFORCEMENT PART WAS
10 PRETTY MUCH LEFT INTACT.

11 WHAT YOU'VE SEEN THEN OVER THE YEARS
12 HAS BEEN AN EVOLVING ATTENTION TO THAT ENFORCEMENT
13 SIDE. AB 59, AB 1220 BEING REMARKABLE EFFORTS IN
14 THAT REGARD. AND NOW YOU'RE SEEING, I THINK,
15 LEADERSHIP ON THE PART OF THE BOARD TO ADDRESS
16 THOSE COMPONENTS THAT SHOULD GO TOGETHER. AND THIS
17 IS AN ADMINISTRATIVE DECISION BEFORE YOU, BUT
18 NONETHELESS I THINK AN IMPORTANT ONE THAT IS QUITE
19 CONSISTENT WITH THE EVOLUTION OF AB 939 OVER THE
20 LAST, WHAT, EIGHT YEARS, SEVEN YEARS NOW.

21 AND I THINK IT'S TO YOUR CREDIT THAT
22 YOU'RE PROVIDING SOME LEADERSHIP HERE IN EVEN
23 HAVING THIS DISCUSSION. I THINK IT'S A HEALTHY
24 DISCUSSION. FROM MY POINT OF VIEW, I BELIEVE THAT
25 YOU HAVE THE TOOLS TO MAKE SURE THAT THE DECISIONS

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1 ARE AS GOOD AS THEY CAN BE BOTH AT THE LOCAL LEVEL
2 AND THE STATE LEVEL.

3 FIRST OF ALL, THE LEA'S ARE AN
4 EXTENSION OF YOU. THEY ARE NOT INDEPENDENT BODIES.
5 THEY'RE CERTIFIED, THEY ARE TRAINED, THEY GET THE
6 TECHNICAL SUPPORT. AND I'VE BEEN WORKING WITH
7 CLIENTS THIS LAST YEAR PLUS IN WHICH THAT TECHNICAL
8 SUPPORT, FEEDBACK, CONCERNS, A LOT OF ISSUES CAME
9 UP THAT JUST WE DIDN'T EXPECT, BUT HAD TO BE
10 RESOLVED. THAT TIGHTENED UP THE SYSTEM SO THAT
11 WHEN IT GOT TO YOU, YOU HAD A BETTER PRODUCT. SO
12 THEY'RE NOT INDEPENDENT. THEY'RE YOUR AGENT. THEY
13 SHOULD BE SEEN AS AN EXTENSION OF YOUR STAFF, AS
14 PART OF YOUR STAFF.

15 AND YOUR JOB, IN MY OPINION, IS TO
16 CERTIFY THEM, TO TRAIN THEM, TO PROVIDE TECHNICAL
17 SUPPORT TO THEM, REVIEW THEIR WORK, APPROVE THEIR
18 WORK WHEN THAT'S APPROPRIATE, AND THEN EVALUATE
19 PERFORMANCE. AND I THINK WHEN YOU GET TO THE
20 EVALUATE PERFORMANCE, YOU ALSO SPEAK TO YOUR OWN
21 STAFF'S PERFORMANCE IN EVALUATION. YOU NEED TO
22 DEVELOP THE TOOLS TO UNDERSTAND WHAT YOUR STAFF
23 DOES IN REVIEWING THESE DOCUMENTS THAT ARE
24 SUBMITTED APPROPRIATELY BY THE LEA IN COMPLETE FORM
25 AS THE LAW REQUIRES. AND WE KNOW THAT THAT DOESN'T

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1 ALWAYS HAPPEN PERFECTLY, AND THAT'S WHAT YOUR STAFF
2 IS FOR IS TO POINT OUT THOSE IMPERFECTIONS AND WORK
3 WITH THOSE LEA'S SO THAT WHEN THOSE DOCUMENTS DO
4 COME BEFORE YOU, THEY'RE AS GOOD AS THEY CAN BE
5 DEALING WITH NOT ONLY THE LEGAL AND TECHNICAL
6 ISSUES OF THE LAW, BUT THE PRACTICAL REALITIES OF
7 IN THE FIELD.

8 AND I'VE HAD SOME HANDS-ON EXPERIENCE
9 NOW OUT IN THE FIELD, AND I CAN TELL YOU THOSE ARE
10 VERY, VERY IMPORTANT CONSIDERATIONS. IT'S ONE
11 THING TO DEAL WITH THESE THINGS IN THE ABSTRACT;
12 IT'S QUITE ANOTHER TO DEAL WITH THESE OUT IN THE
13 FIELD.

14 I THINK YOUR JOB IS TO REVIEW, NOT TO
15 DO. IF YOU TAKE A LOOK AT YOUR STAFF, FOR EXAMPLE,
16 I DON'T BELIEVE THAT YOU HAVE THE HANDS-ON
17 EXPERIENCE TO KNOW WHAT THESE LEA'S KNOW ABOUT
18 THESE FACILITIES OUT THERE. YOU HAVE IN MY -- I
19 DON'T KNOW ALL OF YOUR STAFF -- IN MY EXPERIENCE
20 WITH STAFF HERE, CAPABLE, INTELLIGENT, HARDWORKING
21 PEOPLE, BUT VERY FEW OF THEM WITH ANY EXPERIENCE
22 OUT IN THE FIELD RUNNING A LANDFILL, MRF, TRANSFER
23 STATION, HAULING COMPANY, OR OTHERWISE. I WOULD

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24 THINK THEY'RE IN THE VAST MINORITY THAT HAVE THAT
25 KIND OF EXPERIENCE.

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1 THESE LEA'S, WHILE THEY MAY NOT HAVE
2 THAT DIRECT EXPERIENCE, THEY'RE AS CLOSE AS YOU CAN
3 GET TO THOSE FUNCTIONS AND STILL BE A REGULATOR.
4 SO I THINK THAT PERSPECTIVE IS QUITE IMPORTANT TO
5 YOU.

6 FINALLY, AND MY LAST REMARK, IS I
7 THINK THIS REALLY COMES DOWN TO NOT A PROCESS
8 ISSUE, BUT A PERFORMANCE ISSUE. AND IF YOU DEVELOP
9 THE TOOLS BY WHICH TO EVALUATE YOUR STAFF'S
10 PERFORMANCE IN BRINGING THESE PERMITS FORWARD AND
11 THE LEA'S PERFORMANCE IN CREATING THOSE PERMITS IN
12 THE FIRST PLACE, THEN I THINK YOU HAVE A PRETTY
13 SOUND SYSTEM OF CHECKS AND BALANCES IN WHICH YOU
14 WILL NOT SEE THE KIND OF ISSUE THAT MR. JONES
15 RAISED WHERE THE LEA WAS IGNORANT OF SOMETHING.
16 THAT SHOULD HAVE BEEN WORKED OUT IN THIS CHECKS AND
17 BALANCE SYSTEM BY THE STAFF AND THE LEA BEFORE IT
18 EVER GOT TO YOU. THAT'S THE PERFECT WORLD, THAT
19 THESE PERMITS COME TO YOU COMPLETE AND THOROUGH AND
20 CONSISTENT WITH THE LAW.

21 IF YOU WANT FURTHER INSIGHT INTO THE
22 EAGLE MOUNTAINS OF THE WORLD BECAUSE YOU ARE
23 CONCERNED ABOUT THE SIZE OF THAT MEGA LANDFILL,

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24 THAT'S A DIFFERENT MATTER, BUT IT DOESN'T MATTER IF

25 IT'S A MEGA LANDFILL OR A 50-TON OR 200-TON-A-DAY

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1 LANDFILL. THE PROCESS IS THE SAME. BUT THE
2 PERCEPTION OF THAT IS DIFFERENT, AND MAYBE YOU NEED
3 TO DEVELOP SOME TOOLS TO GET BETTER INSIGHT INTO
4 SOME OF THOSE AREAS OF CONCERN ABOUT SIZE AND
5 TRANSPORTATION AND IMPORT AND EXPORT AND THOSE
6 OTHER MATTERS. MIGHT BE A DIFFERENT MATTER THAN
7 SIMPLY PROCESSING THE PERMIT AND MAKING SURE THAT
8 THE LEGAL I'S AND T'S ARE CROSSED PROPERLY.

9 CHAIRMAN PENNINGTON: THANK YOU.

10 QUESTIONS?

11 BOARD MEMBER CHESBRO: I CAN TELL YOU THAT
12 I'M NOT GOING TO BE SATISFIED TO WAIT UNTIL THE --
13 AGAIN, WE'RE USING AN EXAMPLE, AND I'M SURE THE
14 RIVERSIDE LEA IS DOING A GREAT JOB, BUT JUST
15 BECAUSE OF THE SIZE OF THE LANDFILL, I'M ZEROING IN
16 ON THAT AS AN EXAMPLE. I'M NOT GOING TO BE
17 SATISFIED TO WAIT UNTIL THE SUBSEQUENT LEA
18 EVALUATION TO DETERMINE WHETHER OR NOT WE HAVE AN
19 ADEQUATE PERMIT BEFORE US WHEN I HAVE SOMETHING OF
20 THAT MAGNITUDE BEFORE ME.

21 AND SO THERE'S -- BOTH ARE NECESSARY
22 AND THEY CONTINUE TO BE. AND AS THE PERSON WHO'S
23 REQUIRED UNDER STATUTE TO MAKE THIS FINAL

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24 CONCURRENCE OR NOT, YOU KNOW, I'VE GOT TO HAVE THAT
25 CRUCIAL INFORMATION IN MY HANDS.

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1 MR. WHITNEY: I AGREE.

2 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS
3 OF MR. WHITNEY?

4 BOARD MEMBER RELIS: NOT A QUESTION OF
5 MR. WHITNEY.

6 CHAIRMAN PENNINGTON: MR. RELIS.

7 BOARD MEMBER RELIS: I'VE BEEN LISTENING
8 TO THIS DISCUSSION AND TO THE TESTIMONY AND LOOKING
9 SPECIFICALLY, WHAT JUMPS OUT AT ME IS PAGE 6,
10 CENTER OF THE PAGE, ROUGHLY PARAGRAPH BEGINNING --
11 NOT PARAGRAPH, LINE BEGINNING "DIVISION MANAGEMENT
12 HAS SOUGHT STAFF INVOLVEMENT IN THIS CHANGE
13 PROCESS, HAS PUT FORWARD THE PERSPECTIVE THAT THERE
14 IS AS MUCH IMPORTANT WORK TO BE DONE, IF NOT
15 MORE -- THERE IS AS MUCH IMPORTANT WORK TO BE DONE,
16 IF NOT MORE. IT IS SIMPLY A MATTER OF SHIFTING
17 WHEN THAT WORK OCCURS. IN OTHER WORDS, ULTIMATELY
18 IT IS MORE EFFECTIVE TO WORK HAND IN HAND WITH THE
19 LEA UP FRONT WHEN A PROJECT IS BEING PROPOSED AND
20 DEVELOPED THAN IT IS TO CRITIQUE AND SECOND-GUESS
21 THE DECISIONS AND CHOICES OF THE LEA WHEN THE
22 60-DAY CLOCK IS TICKING."

23 THAT COMMENT OR THAT OBSERVATION
24 SEEMS TO POINT ME IN THE DIRECTION OF THE QUESTION
25 OF THAT'S AN ASSISTANCE ROLE THAT STAFF HAS

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1 DESCRIBED THAT IT COULD PLAY, AND LET'S JUST SAY A
2 PERMIT, AND WE'LL SAY A CONTROVERSIAL PERMIT. I
3 THINK IT'S NOT TRANSPARENT MAYBE TO SOME OF US WHAT
4 TYPE OF INTERACTION WOULD GO ON THERE. WHEN WE
5 TALK ABOUT ASSISTANCE, AND IS THAT A BLENDING OF
6 ASSISTANCE AND, QUOTE, UNQUOTE, REVIEW?

7 MS. RICE: WELL, LET ME --

8 BOARD MEMBER RELIS: LET ME JUST COMPLETE
9 THE THOUGHT HERE. I BELIEVE THAT, AND I'VE PRESSED
10 THIS BEFORE IN EARLIER SESSIONS GOING BACK SEVERAL
11 YEARS, THAT THE CRUX OF OUR WORK IS GOING TO DEPEND
12 ON THIS TRANSPARENCY OF THIS LEA EVALUATION
13 PROCESS. THAT'S SEPARATE FROM A PERMIT BEFORE US,
14 BUT THAT SPEAKS TO THE WHOLE, AND I'VE USED THE
15 TERM "CREDIBILITY" OF THIS SHIFT FROM STATE TO
16 PUTTING MORE AUTHORITY AT THE LOCAL LEVEL WITH THE
17 CERTIFICATION.

18 I DON'T THINK THAT THE LEA
19 PERFORMANCE FRAMEWORK IS AS YET, AT LEAST TO ME,
20 TRANSPARENT. I DON'T KNOW WHAT SPECIFICALLY WILL
21 OCCUR AT THAT POINT. SO I'M WONDERING, AND THIS
22 IS
23 A DISCUSSION ITEM TODAY, WHETHER IT WOULD HELP
IN
THE COMMENTS WESLEY MADE, STEVE MADE, I'M

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RAISING

24 TO WALK US THROUGH AGAIN A SITUATION, A NUMBER
OF

25 SITUATIONS THAT HAVE TROUBLED BOARD MEMBERS ON
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1 OCCASION WHEN THERE HAS BEEN A PERMIT, HIGH
2 DISTRESS PERMIT ISSUE. WHAT WILL HAPPEN? WHAT
3 WILL WE SEE THAT'S -- WHAT IS THE FEAR ABOUT IT
4 BEING INCOMPLETE, LET'S JUST SAY, OR WHAT WILL
5 STAFF DO? SHOULD THEY SEE IN THEIR INTERACTION
6 WITH THE LEA SOME THINGS AMISS, AND YOU'RE USING
7 THIS TERM "WALKING HAND IN HAND" PLAYING A
8 TECHNICAL SUPPORT ROLE, WHAT WILL YOU DO IN THAT
9 CASE?

10 MS. RICE: LET ME TRY. YOU'VE SAID A LOT
11 OF THINGS, AND I'LL TRY TO PICK THEM UP AS BEST I
12 CAN. YOU STARTED BY READING THE SECTION FROM THE
13 REPORT. THE ONLY POINT I WAS TRYING TO MAKE THERE
14 IS THAT IN THE LONG RUN, MAYBE NOT TODAY FOR ALL
15 LEA'S, IF YOU ADDRESS THE QUESTIONS THAT THEY HAVE
16 ABOUT PUTTING THE PERMIT TOGETHER, THE ISSUES THAT
17 SHOULD BE ADDRESSED SIX MONTHS BEFORE IT HITS THE
18 BOARD, WE'RE ALL BETTER OFF. AND TO ME THAT MEANS
19 IF THEY NEED THAT LEVEL OF ASSISTANCE, THAT MY
20 STAFF GO DOWN THERE, SIT DOWN WITH THEM, GET TO
21 KNOW THE FACILITY, WHAT THE QUESTIONS ARE, AND
22 TOGETHER WE WORK ON PREPARING THE PERMIT. THAT'S
23 AN EXTREME OF TECHNICAL ASSISTANCE AND SUPPORT.

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24 AND THE LEVEL OF WHAT'S NEEDED WILL VARY FROM LEA
25 TO LEA. SOME MAY NEED NO SUCH THING. THEY KNOW

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1 THE REGULATIONS; THEY KNOW WHAT'S REQUIRED; THEY
2 KNOW THE FACILITY, AND THINGS COME IN FAIRLY
3 CLEANLY.

4 SO WHAT WE'RE TALKING ABOUT IS FOR
5 EACH LEA, DETERMINING WHAT IS THE LEVEL OF
6 ASSISTANCE THAT THEY NEED SO THAT THE PRODUCT THAT
7 COMES FORWARD IS AS BEST AS IT CAN BE. AND WE'RE
8 TRYING TO DISTINGUISH BETWEEN THE EVALUATION AND
9 THE GRADING FUNCTION AND THAT SUPPORT. IN OTHER
10 WORDS, IT'S NOT WRONG TO ASK FOR THAT HELP SO LONG
11 AS YOU DID IT SIX MONTHS BEFORE THE PERMIT COMES IN
12 THE DOOR AND YOU'RE TRYING TO GET IT RIGHT, AND
13 YOU'RE TRYING TO LEARN IN THE PROCESS SO THAT NEXT
14 TIME IT TAKES LESS TIME.

15 WE'RE IN A PROCESS. SO THAT'S AN
16 IDEAL, THAT'S A GOAL, THAT EVERYTHING THAT COMES IN
17 THE DOOR WOULD BE CLEAN BECAUSE WE'VE SPENT THE
18 TIME AS BOARD STAFF, THE LEA HAS SPENT THE TIME AS
19 A PROFESSIONAL AT THE LOCAL LEVEL TRYING TO DO IT
20 AS BEST THEY CAN.

21 WHILE THIS IS ALL GOING ON, WE'VE GOT
22 PERMITS COMING IN THE DOOR EVERY MONTH, AS YOU
23 KNOW. AND SOME OF THEM MAY NOT HAVE HAD THIS LEVEL

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24 OF WORK ON THEM, AND MANY OF THEM MAY NOT COME IN
25 PERFECT. YOU SEE THAT HAPPEN.

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1 ONE POINT I WOULD LIKE TO MAKE, AND I
2 TRIED TO MAKE IT IN MARTINEZ AS WELL, ABOUT THIS
3 LEVEL OF PERFECTION OF THE LEA AND WHETHER THINGS
4 WILL OR ARE GOING TO COME IN PERFECT. THAT'S SUCH
5 A SUBJECTIVE THING TO IMAGINE.

6 BOARD MEMBER RELIS: I THROW OUT THE WORD
7 "PERFECTION." WE'RE NOT IN THE PERFECTION.

8 MS. RICE: GOOD, SAY GOOD, REAL GOOD, GOOD
9 STUFF, GOOD PERMIT. MORE OFTEN THAN NOT THE
10 SITUATION I'M IN IS NOT ONE WHERE THE LEA HAS
11 SUBMITTED SOMETHING SHODDY, AND WE'RE CRITIQUING IT
12 AND POINTING THOSE SHODDY ISSUES OUT TO THE BOARD.
13 MORE OFTEN THAN NOT, WE'RE IN THE GRAY AREA WHERE
14 MY STAFF SAY TO ME, "THERE'S SOMETHING IN HERE I
15 VIEW DIFFERENTLY. I VIEW IT LIKE THIS." I LOOK AT
16 IT AND I'M THINKING, OH, GOD. I CAN SEE WHAT THE
17 LEA MEANT; I CAN SEE WHAT MY STAFF MEANS. WE HAVE
18 AN HONEST PROFESSIONAL DISAGREEMENT HERE, AS WE HAD
19 IN THE MARTINEZ BOARD MEETING, OVER THE CONCURRENCE
20 OF FINDING OF CONFORMANCE, PLAN CONFORMANCE FOR
21 THAT COMPOST FACILITY.

22 BOARD STAFF RECOMMENDED OBJECTION.
23 WE FELT IT HAD NOT BEEN APPROPRIATELY DONE. THE

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24 LEA AND THE OPERATOR FELT IT HAD BEEN. AND

25 ULTIMATELY THE BOARD WAS SPLIT ON THE MATTER. SO
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1 THESE KIND OF JUDGMENT CALLS COME UP VERY
2 FREQUENTLY, AND IT'S VERY EASY IN RETROSPECT TO SAY
3 WHAT THAT MEANS IS THE LEA DID NOT DO A GOOD JOB OR
4 BECAUSE THINGS WEREN'T REAL CLEAN IN THE BOARD
5 MEETING, BUT THAT'S NOT WHAT IT SAYS TO ME. WHAT
6 IT SAYS TO ME IS THAT WE'RE IN A PROCESS. A LOT OF
7 THINGS ARE HAPPENING VERY QUICKLY.

8 ON THE STANDARDIZED PERMITS, WE HAVE
9 VERY LITTLE TIME TO TURN AROUND. WE'RE TRYING AS
10 BEST WE CAN TO WORK COOPERATIVELY WITH THAT LEA AND
11 THAT OPERATOR, AND SOMETIMES WE GET DOWN TO THE
12 POINT WHERE WE HAVE A DIFFERENCE OF OPINION. AND
13 IT DOESN'T MAKE THEM LESS OF A PROFESSIONAL THAN MY
14 STAFF. AND THIS WHOLE NOTION THAT SOMEHOW STATE
15 STAFF ARE THAT MUCH MORE ABLE TO PROVIDE THIS
16 CRITICAL REVIEW, I HAVE GREATLY VALUED THE INSIGHT
17 AND THE KNOWLEDGE THAT I HAVE OBTAINED FROM MANY
18 LEA'S, WHO, AS YOU CAN SEE FROM THE FOLKS IN THE
19 ROOM AND ELSEWHERE COMBINED, HAVE MANY MORE YEARS
20 EXPERIENCE THAN MANY OF OUR STAFF DO, AND THAT'S
21 NOT TO DISPARAGE STATE STAFF. I HAVE WONDERFUL
22 STAFF, AND I'M VERY PROUD OF THE WORK THAT THEY DO.
23 BUT IT'S OFTEN A MATTER OF LISTENING TO BOTH SIDES

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24 AND FIGURING OUT WHAT MAKES SENSE FOR THE PERMIT.

25 SO I SEE THAT WE'RE IN AN ITERATIVE
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1 PROCESS. I NEVER INTENDED TO SAY ANYTHING IN THIS
2 ITEM OR THE PRIOR ITEMS TO GIVE BOARD MEMBERS THE
3 IMPRESSION THAT WE DO NOT TAKE VERY, VERY SERIOUSLY
4 OUR RESPONSIBILITY TO MAKE A RECOMMENDATION TO YOU.
5 AND WE'RE NOT GOING TO DO THAT LIGHTLY. WE'RE NOT
6 GOING TO JUST SAY, "OH, PIECE OF PAPER SIGNED.
7 THEY CERTIFIED. I DON'T NEED TO LOOK ANY FURTHER."
8 I COULDN'T DO THAT. MY STAFF WOULD NOT FEEL GOOD
9 DOING THAT. I KNOW THAT AND YOU WOULDN'T FEEL GOOD
10 WITH THAT EITHER.

11 SO WHAT WE ARE TALKING ABOUT IS KIND
12 OF A BALANCING ACT. HOW DO WE DO THE BEST WE CAN
13 TO BE TRUE TO THIS STATUTE AND THESE REGULATIONS
14 THAT DO SPEAK TO PERMIT STREAMLINING AND CLARITY
15 OF
16 ROLES? HOW DO WE CLARIFY THOSE ROLES AS MUCH AS
17 WE
18 CAN WHILE AT THE SAME TIME BALANCING AND
19 RESPECTING

20 THE RESPONSIBILITY OF THIS BOARD TO ACT ON A
21 PERMIT? AND YOU'VE GOT TO KNOW ENOUGH ABOUT THE
22 PERMIT IN ORDER TO DO THAT RESPONSIBLY. AND WE,
23 AS

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20 STAFF, ARE IN THE SAME POSITION.

21 IT'S ALMOST MORE PHILOSOPHICAL THAN

22 IT IS REAL. THERE WILL NOT BE THAT MUCH CHANGE IN

23 WHAT WE'RE REVIEWING BECAUSE WE'RE MAKING

24 RECOMMENDATIONS TO YOU AND WE'RE PROFESSIONALS AS

25 WELL. SO IT'S MORE IN THE NUANCE AND IN THE

BEHIND

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1 THE SCENES, AS THE ITEM TRIES TO EXPRESS, THAT
2 MAYBE A YEAR FROM NOW, TWO YEARS FROM NOW, IF ALL
3 THIS WORKS, AND THE PARTNERSHIP THAT'S BEEN SPOKE
4 OF AND ALL OUR EFFORTS TO TRAIN AND ASSIST, YOU
5 WILL START TO SEE CLEANER ACTIVITIES GOING ON AT
6 COMMITTEE AND BOARD MEETINGS WHERE THE QUESTIONS
7 ARE ANSWERED, THERE'S NOT THAT MUCH DIFFERENCE
8 BETWEEN THE PROFESSIONAL JUDGMENT OF THE BOARD
9 STAFF AND THE LEA BECAUSE THAT'S OFTEN WHERE WE GET
10 INTO THE DISPUTES. IT'S NOT SO MUCH A RIGHT OR
11 WRONG. IT'S A DIFFERENCE OF OPINION ON HOW TO
12 BRING SOMETHING FORWARD. AND THOSE IN THE PUBLIC
13 SETTING GET REAL HARD TO DESCRIBE AND CHARACTERIZE,
14 AND OFTEN IT JUST REFLECTS POORLY ON THE LEA WHO
15 BROUGHT THE POOR PERMIT FORWARD.

16 SO AGAIN, I DON'T KNOW IF THAT HELPS.
17 I VIEW THIS AS AN ITERATIVE PROCESS. WE BROUGHT
18 THIS FORWARD AS A DISCUSSION INFORMATIONAL ITEM
19 RATHER THAN ANY DECISION POINT BECAUSE WE FEEL
20 WE'RE ON THIS TRAIN, AND I DON'T CONSIDER IT A
21 SLIPPERY SLOPE AT ALL. AND, IN FACT, I DON'T
22 REALLY UNDERSTAND EVEN WHAT THAT MEANS AND WILL
23 SEEK CLARITY ON THAT POINT. 1220 WAS THE SLIPPERY

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24 SLOPE IF THERE IS ONE.

25 THE WORDS THAT I READ AND THAT I WAS
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1 INVOLVED WITH IN 1992 AND '93 WERE DRAFTED FOR A
2 REASON, TO ADDRESS APPARENT AND REAL CONFLICT,
3 DUPLICATION, CONFUSION ABOUT THE PERMIT PROCESS.
4 AND CONFUSION IS MAYBE THE MOST IMPORTANT PART.
IF
5 WE'RE TRYING TO DO ANYTHING, IT'S CLARIFY THE
6 CONFUSING ASPECTS OF HOW THIS PROCESS WORKS. AND
7 IT'S IN THE CLARITY OF THE RELATIONSHIP BETWEEN
THE
8 DIFFERENT REGULATORY BODIES THAT WE CAN CLEAN THAT
9 UP.
10 AT THE TIME, AS YOU RECALL, THERE
WAS
11 NOT A WILL IN THE LEGISLATURE OR ELSEWHERE TO MAKE
12 IT SIMPLE. A SIMPLE WAY WOULD BE ONE PERMIT, ONE
13 AGENCY. THERE DIDN'T APPEAR TO BE ANY WILL TO DO
14 THAT, SO INSTEAD WE GOT SET ON A COURSE OF HOW DO
15 YOU CLARIFY THE RESPECTIVE ROLES IF YOU CAN'T
16 ELIMINATE ROLES. AND IT'S NOT AN EASY THING TO
DO,
17 AND WE'RE NOT TRYING TO, YOU KNOW, PUSH ANYTHING
18 DOWN THE SLIPPERY SLOPE OR PROPEL THINGS ANY
FASTER

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19 THAN THEY'RE ABLE TO GO, BUT WE ARE TRYING TO
20 IMPLEMENT WHAT WE VIEW AS THE INTENT OF AB 1220 TO
21 STREAMLINE THE PERMITTING PROCESS AS BEST WE CAN.
22 AND WE THINK OUR BEST TOOL IN DOING THAT IS THE
23 LEA, AND THE BEST WAY TO SUPPORT THE LEA AND
24 ENABLE
25 THEM TO BRING A GOOD PERMIT IS UP FRONT, NOT
26 DURING
27 THE 60-DAY CLOCK.

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1 CHAIRMAN PENNINGTON: ANY FURTHER
2 DISCUSSION?

3 BOARD MEMBER JONES: I JUST -- ONE QUICK
4 COMMENT. I DON'T WANT TO BE -- I THINK I'VE MADE
5 MYSELF REAL CLEAR IN ALL THESE MEETINGS. WHAT I
6 WANT, WHAT I'M LOOKING AT IS A LEVEL OF
7 PROFESSIONALISM THAT I THINK MOST LEA'S HAVE. AND
8 THEN I WORRY ABOUT THOSE ISSUES THAT COME IN FRONT
9 OF US LIKE MR. KOEPP BROUGHT FORWARD. I MEAN HE'S
10 BEEN IN THE AUDIENCE ON OTHER ITEMS THAT WEREN'T
11 HIS ITEMS. HE JUST HAPPENED TO BE A VIEWER OF A
12 PARTICULAR ITEM THAT CAME IN FRONT OF US WHERE
13 THERE WAS SOME REAL ISSUES. THAT'S GOING TO
14 CONTINUE TO HAPPEN.

15 I KIND OF LIKE THE WAY THIS IS GOING
16 WITH THE EX -- BUT I WANT US TO MAKE SURE THAT WHEN
17 WE LOOK AT, THROUGH PROJECT OR PARTNERSHIP 2000
18 WHEN WE CONTINUE THESE THINGS GOING, THAT WE MAKE
19 LEA'S AND THEIR EXECUTIVE DIRECTORS AWARE WHERE
20 THERE'S SHORTCOMINGS, WHERE THEY'RE SHORT, BECAUSE
21 I FEEL THAT THIS IS GOING TO PUT US IN A POSITION
22 WHERE WE ARE GOING TO NONCONCUR ON SOME PERMITS.
23 AND IT'S GOING TO BE CLEARLY BECAUSE WE, THIS

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24 BOARD, DIDN'T FEEL THAT THEY GOT ENOUGH INFORMATION
25 THAT THEY NEEDED TO.

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1 LEA'S HAVE TO BE AWARE OF THAT, THAT
2 THAT IS GOING TO HAPPEN. I THINK WHAT WE SEE EVERY
3 DAY IS THAT THE LEA'S PRESENT TO OUR STAFF A
4 PRODUCT; AND WHEN THAT PRODUCT COMES TO US, AND I
5 THINK I SAID THIS IN COMMITTEE A COUPLE OF MONTHS
6 AGO, THEY UNDERSTAND THAT THERE ARE DUST ISSUES,
7 THERE ARE CEQA ISSUES, THERE ARE A LOT OF ISSUES
8 THAT ARE VERY, VERY IMPORTANT TO DIFFERENT MEMBERS
9 ON THIS BOARD THAT THEY WANT TO ENSURE ARE TAKEN
10 CARE OF, THAT THEY CAN FEEL GOOD ALL THOSE ITEMS
11 WERE TAKEN CARE OF. I MEAN YOU WANT TO LOOK AT
12 THEM ALL, BUT EVERYBODY HAS GOT A COUPLE THAT ARE
13 NEAR AND DEAR TO THEIR HEART.

14 LOCAL LEA'S DON'T HAVE THE BENEFIT OF
15 KNOWING THAT. SO THEY'RE GOING TO COME FORWARD
16 THINKING THAT THEY HAVE A GREAT PERMIT. IT
17 HAPPENED TO ME ONE TIME. I CAME UP HERE AND BOARD
18 MEMBER RELIS ASKED ME WHAT TYPE OF A DUST SYSTEM I
19 HAD. I HAD ONE AND WE TALKED ABOUT IT, BUT, YOU
20 KNOW, IT WASN'T THAT HARD FOR ME TO DO. IT COULD
21 BE HARD FOR -- I MEAN THERE COULD BE OTHERS THAT
22 COULD BE JUST CAUGHT OFF GUARD BY THE QUESTIONS
23 THAT ANY OF THESE BOARD'S MEMBERS COULD ASK.

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24 THAT'S GOING TO PUT US IN A SITUATION WHERE THERE'S
25 NOT GOING TO BE CONCURRENCE ON A PERMIT BECAUSE

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1 WE'RE NOT GOING TO KNOW.

2 SO I THINK PART OF PROJECT 2000 IS TO
3 MAKE -- YOU KNOW, YOU'VE GOT SOME INCREDIBLE LEA'S
4 THAT NEED TO SHARE THOSE TYPES OF EXPERIENCES.
5 THEY NEED TO UNDERSTAND. WE CAN'T DEAL WITH WATER
6 ISSUES.

7 AS AN OPERATOR, I WAS GLAD THAT THERE
8 WAS A DELINEATION. AS A POLICY MAKER, I AM SORRY
9 THAT WE GAVE UP ALL OF THOSE THINGS BECAUSE I THINK
10 THAT SOME OF OUR PERMITS ARE VERY CRITICAL AS TO
11 HOW THEY INTERACT, HOW THOSE ITEMS INTERACT IN THE
12 PUBLIC HEALTH AND SAFETY. WHERE WE DON'T HAVE TO
13 BE THE WATER BOARD, I THINK WE DO NEED TO LOOK AT
14 SOME OF THOSE ISSUES, AND WE DON'T DO THAT AND WE
15 CAN'T DO THAT BY STATUTE.

16 SO I THINK MOST OF THE WORK WAS GOOD,
17 DOROTHY. THERE WAS JUST A COUPLE PIECES. BUT, YOU
18 KNOW, I WANT US COMING FORWARD WITH GOOD STUFF. I
19 KNOW THE LEA'S DO. BUT I THINK THIS BOARD WILL
20 HAVE TIMES, AND THE LEA'S HAVE TO UNDERSTAND IT,
21 THAT THERE'S GOING TO BE TIMES WHEN PERMITS COME IN
22 FRONT HERE, BECAUSE YOUR STAFF HAS HAD TO SCRAMBLE
23 ON A FEW OVER THE YEARS TO SAVE THEM, THAT THEY'RE

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24 NOT GOING TO HAVE THE BENEFIT OF SAVING, YOU KNOW.

25 THEY'RE GOING TO PUT IT OUT AND IT'S GOING TO GET
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1 TURNED DOWN. AND THAT'S, YOU KNOW, THAT'S FINE.
2 MAYBE IT NEVER HAPPENS. IF IT DOESN'T HAPPEN,
3 THAT'S FINE TOO. BUT I THINK THAT PEOPLE NEED TO
4 UNDERSTAND THAT BECAUSE WE DO HAVE A VERY IMPORTANT
5 ROLE HERE THAT WE HAVE TO PLAY.

6 BOARD MEMBER CHESBRO: I'D LIKE TO EXPRESS
7 CONCERN ABOUT THE PARTNERSHIP OF THE BOARD AND ITS
8 STAFF. WE'RE PUTTING WORK INTO THAT BECAUSE TO ME
9 THIS PROCESS HAS -- SEEMS TO HAVE A LIFE OF ITS
10 OWN. AND THE BOARD HAS SORT OF FLOWED ALONG AT THE
11 SURFACE IN THE MOST SUPERFICIAL LEVELS OF IT AND
12 HASN'T BEEN THERE EACH STEP OF THE WAY ENGAGED.
13 THAT'S WHAT I MEAN BY SLIPPERY SLOPE. I MEAN I
14 THINK IT'S A PROCESS WHERE THERE IS NO SINGLE
15 DECISION-MAKING POINT WHERE WE HAVE A ROOM FULL
16 OF
17 PEOPLE WHO SAID THIS IS WHAT THE PERMITTING
18 PROCESS
19 OUGHT TO BE. IT'S BEEN A SERIES OF INCREMENTAL
20 STEPS. AND IT GETS REPORTED TO AND THE BOARD
21 SEES
22 LITTLE PIECES OF IT.

 BUT WHEN I STEP BACK AND I LOOK AT

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21 THE WHOLE PICTURE OF IT, I SEE THAT WE ARE
22 APPROACHING THE POINT, IF WE'RE NOT ALREADY
THERE,
23 WHERE THE BOARD IS DISENGAGING FROM OR NOT HAVING
24 THE STAFF SUPPORT TO ADEQUATELY ENGAGE, MAYBE
25 THAT'S A BETTER WAY OF PUTTING IT, TO ADEQUATELY

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1 ENGAGE IN MAKING THOSE DECISIONS.

2 YOU KNOW, I VERY MUCH SUPPORT
3 UPGRADING THE LEA'S. I'VE REPEATEDLY SAID THAT,
4 BUT I THINK THAT ULTIMATELY WE NEED TO REMEMBER
5 THAT THE REFORMS TO THE PERMIT PROCESS IN THE
6 LEGISLATION DID NOT DO AWAY WITH THE STATE PERMIT
7 CONCURRENCE RESPONSIBILITY AND THAT THAT HAS TO BE
8 MAINTAINED, AND THAT THERE IS AN ONGOING
9 RESPONSIBILITY FOR THAT THAT IS IMPORTANT.

10 THE OTHER PROCESS IS ALSO VERY
11 IMPORTANT, BUT THESE ARE TWO PIECES THAT NEED TO BE
12 TOGETHER. AND I THINK THAT THERE'S AN IMBALANCE
13 THAT'S BEGINNING TO HAPPEN, AND THAT'S MY CONCERN.
14 AND IT'S NOT TO UNDERCUT ONE PIECE OF IT. IT'S TO
15 MAKE SURE THAT WE MAINTAIN THE OTHER ONE. IT'S NOT
16 TO SAY THAT WE SHOULDN'T BE ENGAGED EARLY TO MAKE
17 SURE THAT THE LEA'S GIVE US GOOD PERMITS. THERE'S
18 NOTHING THE MATTER WITH THAT. HOW COULD I POSSIBLY
19 OBJECT TO THAT? THAT'S GOOD. BUT WHEN IT COMES TO
20 US, THERE STILL NEEDS TO REMAIN THAT INDEPENDENT
21 ANALYSIS THAT'S JUST AS COMPLETE AS IT'S BEEN IN
22 THE PAST AND SHOULD NOT BE ERODED.

23 MS. RICE: I AGREE WITH YOU COMPLETELY,

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24 WESLEY. THERE WAS NOTHING IN MY PRESENTATION THAT
25 WAS INTENDED TO DIMINISH THE IMPORTANCE THAT STAFF
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1 PLACE ON THE ROLE OF THIS BOARD IN CONCURRING IN
2 PERMITS. SO I APOLOGIZE IF I LEFT THAT IMPRESSION.
3 I AGREE WITH EVERYTHING THAT YOU STATED.

4 CHAIRMAN PENNINGTON: OKAY. ANY ADDITIONAL
5 COMMENTS? IF NOT, WE WILL RECESS UNTIL THREE. IS
6 THAT TOO LATE FOR ANYBODY? 3 O'CLOCK IN CHAMBERS
7 FOR AN EXECUTIVE SESSION TO TALK ABOUT LITIGATION
8 AND PERSONNEL MATTERS.

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10 (THE MEETING WAS THEN RECESSED AT 1:20
11 P.M.)

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Please note: These transcripts are not individually reviewed and approved for accuracy.

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